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TRANSACTIONS
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OLIVER SUTTON, BISHOP OF LINCOLN, AND THE
UNIVERSITY OF OXFORD

BY MISS R. M. T. HILL, M.A., B.Litt., F.R.Hist.S.

Read 10 January 1948

I HAVE chosen as the subject of this paper a study of the relations of Oliver Sutton, bishop of Lincoln from 1280 to 1299, with the University of Oxford, and I should like to begin with a quotation from the work of one of the great medievalists of our generation. In his book, *Henry III and the Lord Edward*, Sir Maurice Powicke says: 'It is a great pity that we know so little about these people.'¹ That is profoundly true. Many of the inhabitants of thirteenth-century history are little more than names to us. We know a few facts about the chancellors of Oxford at this period, and the information that we can gain about Sutton is slight enough. Yet I think that sufficient material has survived to enable us to find out something about his dealings with the university and to understand from them what kind of a man he was.

The chancellor and regent masters of Oxford, in the period before 1367, were trying to assert their independence of the bishop of Lincoln, while the bishop, through his claim to nominate the chancellor, was determined to keep the university under control. The outlines of the story are well known, and have been discussed by such scholars as H. E. Salter² and T. Strickland Gibson.³ In this field I cannot hope to do more than glean where they have reaped. But there is, I think, some gleaning to be done. The relations of the bishops of Lincoln with the university were no doubt determined, to some extent, by historical events which neither side could control. Yet in spite of many scholarly arguments to the contrary, I believe that the individual is, after all, the most important factor in history. It is clear that Grossetête, the

¹ ii. 767. ² *Snappe's Formulary*, pp. 41-2. ³ *E.H.R.*, xxvi. 501-12.

man and the scholar, influenced the history of the university much more deeply than did Grossetête, the bishop of Lincoln. Oliver Sutton was not a man of Grossetête's stature or fame, but he was, nevertheless, a highly intelligent man, and one who possessed considerable strength of character. His relations with the university were determined no less by his own history and temperament than by the complex problems of his see of Lincoln.

It is difficult to give a precise account of the life of a person born in the thirteenth century, unless he happened to be distinguished by extremely high rank or especial sanctity. Oliver possessed neither of these qualifications, and the information which we possess about the first part of his life is extremely meagre. He was almost certainly the son of Rowland of Sutton, who earned a modest distinction as an itinerant justice in 1229-30,¹ by his wife Alice of Lexington. Alice came of a capable and enterprising family. I should like to assume that she had a taste, later shared by Queen Eleanor of Provence, for reading French romances,² and that she gave her son the name of Oliver, which was not very common in the early thirteenth century, as the proper complement of his father's name of Rowland. Her brothers distinguished themselves in the service of church and state. One, Henry, became bishop of Lincoln, and another, Stephen, abbot of Clairvaux. This Stephen was deposed in 1256 for having obtained a papal privilege contrary to the statutes of Cîteaux. On this occasion he is said by Matthew Paris to have behaved as innocently as Joseph when vexed by his brethren, and to have declared that he 'considered himself to be disburdened rather than dishonoured'.³ Of the two Lexington brothers who did not enter the service of the church, Robert became a justice in the Court of Common Pleas⁴ and John chancellor and steward of the household of King Henry III.⁵

I have mentioned Sutton's relations because the traditions of his family appear to have had a considerable influence upon his mind. It was a family distinguished not so much by great possessions as by the holding of responsible offices, a family of administrators rather than of scholars. Oliver's father and two of his uncles were engaged in the practical work of applying the common law, while a third uncle was the energetic and efficient ruler of the largest diocese in England. The

¹ C.P.R., 13 H. III, 6v, and 14 H. III, 6v.

² C.R. (1247-51), p. 263.

³ Matt. Par., *Chron. Maj.* (Rolls Series), v. 596.

⁴ Dugdale, *Baronage*, i. 473.

⁵ R. F. Treharne, *Baronial Plan of Reform*, p. 22.

vigorous, decisive and courageous temperament of the Suttons and Lexingtons cropped up also in later generations. Oliver's brother and nephew took a sufficiently active part in de Montfort's rebellion to be forced to buy their pardon from the king after the battle of Evesham.¹ A great-nephew, Richard, ran away with a Welsh heiress while he was still under age.² One Thomas of Sutton, whose relationship cannot be traced with certainty although he may have been Oliver's nephew, insisted on reoccupying his living of Thame after he had been driven out of it by 'sons of Belial' who subjected the church to a regular siege, even pulling out stones from the walls in order to fire arrows at the clergy within.³ The family of Sutton was certainly not lacking in the positive virtues of courage and determination.

Oliver Sutton himself was born about the year 1219. He held the living of Shelford as a sub-deacon in 1244, when he obtained a papal dispensation to hold another church in plurality.⁴ No mention is made of his being under age, and it seems unlikely that a man of his character would have omitted to get a dispensation on this account if it were necessary. Moreover, the assumption that he was born not later than 1219 would agree with John de Scalby's statement that when he died in 1299 he had reached a ripe old age.⁵ His birth cannot have taken place very much before 1219, since Adam Marsh, in a letter written certainly not earlier than 1235, calls him a boy, and says that he is not yet qualified to undertake the cure of souls.⁶ However, by the time that this letter was written, Oliver must have studied for some time under Adam, who liked him, and testified to Bishop Grossetête of his progress in the arts and the propriety of his behaviour. At this time the future bishop was using his mother's name of Lexington. Her family was more distinguished than his father's and he probably looked to his already influential uncles for preferment. He reverted to the use of Sutton before the end of 1244.

Oliver spent many years at Oxford. According to his biographer and registrar, John de Scalby, he became a regent master in arts, studied canon and civil law and 'had proposed to ascend the master's chair in theology'—a plan which was cut short by his election as dean of Lincoln in 1275.⁷ In 1260

¹ C.P.R., 50 H. III, 41.

² Dugdale, *Baronage*, ii. 213.

³ Sutton, *Reg.*, fo. 78v-79.

⁴ Bliss, *Cal. Papal Registers*, i. 211.

⁵ Giraldus Cambrensis, *Opera* (Rolls Series), vii. 211.

⁶ *Monumenta Franciscana* (Rolls Series), i. 97.

⁷ Gir. Camb., *Opera*, vii. 208.

he is found, as a Master of Arts, renting his own school in Oxford. It was known as Deep Hall or the 'domus de Balehorn', and its site is now within the walls of University College. He paid an annual rent of six-and-a-half marks to the abbey of Oseney, and got in return the right to occupy a building which consisted of three shops (which he sublet) in front, with a school or lecture-room above and a hall or scholars' lodging-house behind.¹ As the responsible tenant of such a hall, he would have been bound by the statutes of the university to keep residence.²

A great part of Sutton's life had thus been spent at the University of Oxford when, in his middle fifties, he became dean of Lincoln.³ He knew something about the problems of the schools from inside. Not only had his mind been trained in the rigorous discipline derived from masters such as Marsh and Grossetête, but he had sat in the Great Congregation, the 'congregatio regentium et non regentium' and felt, from the master's side, something of the desire to emancipate the chancellor from external control. Moreover, there is some reason to believe that he kept, to the end of his life, an affection for the university which was unimpaired by his suspicion of the manœuvres of its 'cetus magistrorum'. In the final agreement made before the archbishop of Canterbury in 1281 between Sutton and the chancellor of Oxford, the bishop speaks of the 'special and intimate affection which he has always had for the said university, and still has'.⁴ In 1296 he wrote to Pope Boniface VIII supporting the appeal of Oxford for the recognition of *jus ubique docendi*.⁵ When he confirmed Devorguilla de Balliol's charter, he expressly approved the founding of Balliol College as a deed 'which redounds to the praise of God, the veneration of the heavenly host, the exaltation of the whole church militant and the honour of the said university'.⁶ There is a note of real and personal indignation in his order for the excommunication of some unknown persons who in 1296 had murdered certain Oxford scholars, 'young and innocent lads'.⁷ (Perhaps he remembered the boys who had lived with him in Deep Hall thirty years earlier.) His attitude to the university was deeply protective. As he wrote to the chancellor and masters in 1295, 'we have always been ready to take care of you in charity,

¹ *Oseney Cartulary*, ed. H. E. Salter, i. 194, and iii. 105.

² H. Anstey, *Munimenta Academica*, i. 13-14.

³ *Rot. Ric. Gravesend*, ed. Davis, p. 65.

⁴ Salter, *Med. Arch. Univ. Oxford*, i. 37-9.

⁵ Sutton, *Reg.*, fo. 134v.

⁶ *Ibid.*, fos. 75v-76.

⁷ *Ibid.*, fo. 144v.

and we shall be prepared to give you further protection, if you will but come under our wings'.¹

The last place, however, in which any Oxford chancellor of the late thirteenth century desired to find himself was under the wings of the bishop of Lincoln. The university felt that it had outgrown the ordinary system of diocesan jurisdiction, and desired to escape from it. The experience of the university of Paris, whose daughter Oxford claimed to be, had already shown that a successful revolt against episcopal authority could be carried out. The chancellor and regent masters were determined to make Oxford as independent as Paris, and to elect their own officials and exercise their own jurisdiction in their own way. The bishop, equally strongly, desired to keep control of the appointment of the chancellor, to receive appeals directly from his court, and to carry out visitations in the ordinary way throughout the university. His reasons for wishing to preserve his authority have been less fully analysed than those of the chancellor for asserting his independence. We have a tendency, natural in the light of the university's subsequent history, to sympathize with the claims of the chancellor. How far can a good case be made out for the bishop? To answer this question, it is necessary to consider the see of Lincoln as a whole, and to regard the university, as Sutton himself must have regarded it, as a part of the responsibilities which the bishop had to sustain.

When Sutton was enthroned in 1280 he found himself ruler of the largest diocese in England, and for the next nineteen years he worked literally from morning to night in order to maintain intact the traditions of his church. His work was hard and exacting, as that of a good bishop was bound to be. There is no reason to suppose that the church in the thirteenth century was decadent or that the diocese of Lincoln was specially unruly. All our evidence points the other way. A great series of reforms in canon law, promulgated in such assemblies as the Fourth Lateran Council of 1215 and the Second Council of Lyons in 1274, were being enforced in England by bishops of whom the great majority were remarkable at once for their efficiency and their integrity. Even among this distinguished episcopate the names of the bishops of Lincoln stood high. Before 1200 the see had been held by two saints, Remigius and Hugh of Avalon, and in the thirteenth century their tradition had been carried on by Robert Grossetête, who was not far from sanctity. Hugh of Wells and Henry of Lexington, good men and vigorous administrators,

¹ *Ibid.*, fo. 118v.

had not lowered the standard of the diocese of Lincoln, and it appears that Richard of Gravesend, of whose personal life little is known, was not unworthy of his great office. Nowhere in England, not even at Canterbury itself, was there a higher tradition of episcopacy than at Lincoln. Yet the significant fact remains that the number of churches in the diocese which from time to time were desecrated by bloodshed—and therefore rendered unusable for the purpose of divine service—was sufficiently large to make it impossible for Bishop Sutton to go personally to all of them for the purpose of reconciliation. He had therefore to obtain from the pope special permission, which was renewed every five years, enabling him to appoint deputies for this particular purpose.¹ The actual amount of bloodshed was often trifling—an ill-judged blow on the nose would serve to desecrate a church. It is clear, however, that not only laymen but even parish priests brawled in churches in a thoroughly unseemly way. Aggravated assaults on the clergy, violations of sanctuary, adultery and theft were all fairly common, to judge by the entries in Sutton's register. There was a good deal of superstition, ranging from the veneration of spurious relics to the practice of worshipping holy wells.² The population of the diocese of Lincoln in the thirteenth century was, in fact, not unlike that of England to-day—that is to say, most people were essentially pagan in thought and behaviour in spite of a long training in the outward observances of Christianity, some were generally silly and a few habitually criminal. On the other hand, a very few were saints, and a much larger number, of whom Sutton was one, were good men with an intense belief in the authority of the church and a strong sense of moral responsibility.

According to John de Scalby, Sutton had studied in the faculty of law. It is clear from his register that these studies, together with the legal cast of mind which he must have inherited from both sides of his family, had a tremendous influence upon his behaviour when he was bishop of Lincoln. He knew that the canon law, like the Law of Moses, was a schoolmaster to bring men to Christ. His insistence upon fine points of procedure and the use of exact formulae—a trait which is shown to a marked degree throughout his official correspondence—may seem finical until one remembers how great a weapon was canon law in the hand of the Church Militant. For the church in the thirteenth century had not won her peace. She was still the great fighting force which Innocent III had led in 1215; her garrisons in cathedral,

¹ Sutton, *Reg.*, fo. 159,

² *Ibid.*, fo. 138v. and fo. 8v,

abbey or school were held among people whose superficial acquiescence often concealed ignorance and apathy, and sometimes downright heresy. Even among the garrisons themselves there were traitors—the provided clergy of whom Sutton wrote ‘their benefices are not properly ruled but farmed out to the highest bidder, rights are lost, buildings ruined, while these farmers (money-grubbers I might call them) care only to heap up wealth’,¹ or the prior elected, as the bishop declared after an enquiry, not by inspiration of the Holy Ghost but rather by a conspiracy of the brethren.² The bishops were the keepers of the true Israel, and while such things happened they could not allow themselves to slumber or sleep. Always they must be watchful at two danger-points, ready to enforce the moral law upon back-sliders and vigilant to keep an effective control over the elections of persons to ecclesiastical offices within their dioceses.

It is therefore understandable that Sutton, although he had kindly memories of his university, should treat the regent masters with considerable severity. The dispute between the bishop and the chancellor lay right at the points of extreme danger, in the matter of jurisdiction over moral offences and of ecclesiastical appointments. The questions at issue were two. Was the right of ecclesiastical jurisdiction over members of the university to belong to the chancellor or to the bishop, and, in the second place, had the university the right to elect its own chancellor, or did it simply nominate a person to fill the office and present him to the bishop who made the actual appointment?

Within a year of his enthronement Sutton was already deeply involved in the dispute about ecclesiastical jurisdiction. In the spring of 1281 he tried to conduct a visitation of the university and met with determined resistance. The chancellor, Henry of Stanton, and the proctors treated him, as he complained, injuriously and contemptuously. In spite of their opposition, he carried out a visitation and discovered that a number of masters and scholars were accused of fornication.³ As bishop, he was bound to correct this fault in them, and as an individual he particularly disliked it. (He was, as Scalby says, the most chaste of men.⁴) When he tried to enforce the canon law against the transgressors, the chancellor intervened, declaring that he alone had the right of visitation and correction of members of the university, unless they had

¹ *Ibid.*, fo. 176v.

² *Ibid.*, fo. 214.

³ Salter, *Med. Arch. Univ. Oxford*, i. 37-9.

⁴ *Gir. Camb., Opera*, vii. 211.

appealed directly to the bishop. Any report he might make to Sutton after a case had been tried in his court was, so he declared, a matter of courtesy and not of duty. Sutton could not let this pass. The dispute went up to the archbishop of Canterbury, and Sutton was eventually forced to make some concessions. He made as few as possible, granting the chancellor his rights within a setting of legal formulae designed to make it perfectly clear that these rights proceeded from the bishop alone and were revocable at his will. 'The bishop', so ran the text of this document, 'by his own pure and unbiassed liberality . . . has kindly granted as a special grace . . . for his lifetime . . . by the authority lawfully proceeding from the said lord bishop.' The chancellor was left without any claim to a jurisdiction which was really independent, however fully he might be endowed with the practical cognizance of breaches of the canon law by members of the university. Moreover, it is clear that Sutton did not leave him alone even after the agreement of 1281. Two letters written by Archbishop Pecham in November 1284 make this point extremely clear.¹ In the first of these letters, the archbishop warns Sutton not to interfere too far in matters pertaining to the chancellor's jurisdiction, even though such interference might be prompted by zeal for reform. 'Do not pull up the tares in such a way that you destroy the wheat.' In the second letter, Pecham gave Sutton a further warning that his severity might well cause enough bitter feeling to start a migration of the university, 'for you may know for certain, I believe, that this your special flock will rather expose itself dispersed to the teeth of the beasts of the field, than submit to the unaccustomed servitude of this your austerity'. The dispersion did not actually take place, but relations remained very uncomfortable, and the university regarded appeals to Lincoln with extreme suspicion unless they had gone first to the Lesser Congregation of regent masters and then to the Great Congregation of regents and non-regents. At some unknown date before 19 May 1290, Sutton issued a mandate excommunicating all persons in the university who made or observed statutes and customs contrary to episcopal authority and the rights of the church of Lincoln—a sure sign that the university was restive.² At the time of John of Monmouth's confirmation in the office of chancellor, Scalby wrote that the university was still trying to block appeals which had not gone up by way of the congregations. This

¹ *Registrum*, ed. Trice Martin (Rolls Series), iii. 857-60.

² Dalderby, *Reg.*, fos. 264-5.

claim, he said, was the cause of great disputes between the masters on the one hand and the bishop and his archdeacon on the other. The university was in a dangerous mood, and Scalby ends his report with one of his rare personal notes, 'Care must be taken not to give way too much.'¹ It is clear that Sutton continued to claim a direct appellate jurisdiction over the chancellor's court, and that his claim was opposed. The case of Robert Baldock, Master of Arts, is particularly interesting. A decision of the chancellor's court had deprived Master Robert of his lodging in favour of another claimant. Master Robert, acting (according to the agreement of 1281) perfectly in accordance with his rights, appealed against the decision to the bishop.² The chancellor promptly avenged the dignity of his court by suspending the unfortunate man's licence to teach and thus taking away his livelihood. Sutton intervened on his behalf, but the outcome of the dispute is not known.³ In any case, the discomfort caused to poor Master Robert would probably have been enough to deter other masters from following his example.

Although the question of appellate jurisdiction was important, the crucial point in the dispute between the bishop and the university lay in the question of the appointment of the chancellor.⁴ From the bishop's point of view, the chancellor of a university was simply the responsible head of an ecclesiastical corporation, rather like a prior or the master of a hospital. He might be, as the university claimed, 'elected' by the regent masters, or he might, as Sutton declared, be only 'nominated' by the said masters for the bishop to accept or refuse as he thought fit. In any case, the chancellor could not lawfully exercise any authority until he had received an official commission from the bishop. This fact was made quite clear by documentary evidence which both Sutton and the men who came to him for confirmation must have read. The statute of 1214 describes the chancellor as the man 'whom the bishop shall set up there in charge of the scholars'.⁵ In fact, the regent masters themselves were prepared to recognize the bishop's authority when they found it useful. As late as 1317 they petitioned Bishop Dalderby, asking him to use his powers and remove a chancellor who had earned their dislike.⁶ The bishop's authority might be unpopular, but it could at times prove useful.

¹ Sutton, *Reg.*, fo. 3.

² *Ibid.*, fo. 114v.

³ *Ibid.*, fo. 118v.

⁴ See H. E. Salter's introduction to *Snappe's Formulary*, pp. 41-2.

⁵ Salter, *Med. Arch. Univ. Oxford*, i. 3.

⁶ Univ. Archives (O.H.S.), i. 105.

Whether the chancellor were elected or nominated, his actual institution was clearly a matter for the bishop. In this connection it is important to distinguish between Sutton's private opinions and the responsibilities of his position as ruler of a diocese. As an individual, he may have felt much sympathy for the regent masters, many of whom were personally known to him. As bishop, however, his duties were perfectly clear. He had to uphold the rights of the church of Lincoln, even though he might acquire great unpopularity by so doing. His episcopal ring was a constant reminder that he was the husband of his church and the responsible protector of her rights, while his pastoral staff laid upon him the duty of being a shepherd to his people. Whatever his personal feelings, he was bound to uphold the duties of his position. In fact, there is plenty of evidence that he had a remarkably strong sense of the lawful claims of his bishopric. He felt himself bound to resist any attempt to whittle away his authority. When he instituted heads of religious communities, he appears to have walked especially warily, and to have insisted on exact compliance with all the formulae laid down by canon law. He was, in fact, so careful to stop up any loophole by which a precedent might creep in to threaten the authority of the church of Lincoln that he sometimes insisted on detail to a degree which must have tried the patience of his contemporaries. Out of 105 elections or nominations to the headship of religious houses in his diocese, he actually quashed 53, almost all on the technical grounds of incorrect election or faulty letters of presentation. On these occasions, while he declared the proceedings invalid, he showed no objection to accepting the person presented—always supposing that he were a fit and proper candidate for the office—as a matter of grace. He made it clear, however, that he considered it his business to see that the rules of canon law were kept, and to allow no one to deviate from them. These rules, he knew, applied as surely to the great University of Oxford as to the smallest cell or hospital.

When any person had to be confirmed in an ecclesiastical office, great importance was attached to the actual form of the letters by which this confirmation was requested and given. There was gradually evolved a 'common form' by which the lawful rights of both parties were safeguarded. The slightest modification of this form was suspect in the eyes of a legal expert—it might be an innocent mistake, but there was always the danger that it would turn out to be a subtle move planned to establish a new precedent. The bishop who accepted a

new formula, without expressly reserving all his own rights, was failing in his duty to his office. He had prejudiced his church, and given away what was not his to give.

When the headship of a religious house was in question, the proper formulae were already well known. This did not prevent people from trying to alter them. Sutton once sent a letter of presentation back to the abbey of Bec to be rewritten, with a covering note in which he expressed the hope that the abbot would in future take as much care of other people's rights as he did of his own. However, it was a fairly simple matter for a bishop to discover, by examining his register and those of his predecessors, whether or not this kind of letter was properly written. The formulae relating to the chancellorship of Oxford, however, had not settled down into a completely regular common form by the time of Sutton's episcopate. The university was a comparatively new corporation, and its precise place in ecclesiastical society was still being worked out. It was, therefore, all the more important for the bishop to establish the proper wording of the letters, and to see that nothing appeared in them which might harden into a precedent dangerous to the rights of his church.

Since the memoranda-rolls which cover the first ten years of Sutton's episcopate have been destroyed, we do not know the details of his confirmation of any chancellor earlier than John of Monmouth.¹ The documents concerning John's four immediate successors, Simon of Ghent, Roger de Martivall, Roger de Wesenham and Richard of Clive, are given fully in the existing memoranda. From these five sets of entries it is clear that the regent masters were launching a threefold attack on the bishop's position. In the first place, they wanted to establish the claim that their representatives appeared before the bishop not as proxies, armed with full powers to represent the university and answer for its actions, but simply as messengers delegated to inform him of the names of the chancellor-elect. Secondly, they claimed that they had the power of electing a chancellor and not merely that of nominating a person whom the bishop might or might not appoint to that office. (They were, as they showed in 1317, rather inconsistent in pressing this claim.) Finally, they tried to break down the custom by which a chancellor, like the head of any other ecclesiastical corporation, was bound to appear before the bishop in person when he received confirmation of his new office. If they could establish all or any of these claims, they

¹ Some information relating to the appointment of William of Kingscote appears in the *Oseney Annals* (*Annales Monastici*, Rolls Series, iv. 317-18).

would have made a valuable step forward in making the university independent of episcopal control. In Sutton, however, they had an opponent whose long years of experience had trained him to deal with every kind of polite excuse which might hide a dangerous intention.

Sutton made no criticisms of the persons chosen to fill the office of chancellor. He could not, in fairness, have done so, for they were distinguished and learned men, some of whom afterwards held other high offices. All of them were doctors of theology. John of Monmouth subsequently became bishop of Llandaff, Simon of Ghent bishop of Salisbury, and Roger de Martivall held the office of dean of Lincoln before succeeding to the bishopric of Salisbury in 1315. Roger de Wesenham had been archdeacon of Rochester before he held the chancellorship. Sutton could thus hardly object to the choice made by the regent masters, but he found their behaviour unsatisfactory in other respects. It was difficult for him to determine, for one thing, whether their representatives were true proxies or not. The messengers who brought the name of Simon of Ghent as the university's chosen chancellor were asked whether they had the usual letters of credence accorded to proxies, 'and they replied "No," adding that it was not customary, as they believed'. Sutton clearly held that failure to produce such letters would have invalidated an election if one had taken place. There was, however, in his opinion, no election to be invalidated. He therefore said he would appoint the new chancellor as a matter of grace, provided that no precedent were set up.¹ When Roger de Martivall's name was reported to the bishop, the question of proctorial authority came up again. The messengers were at first unwilling to admit that they were true proxies, but, when pressed, 'after some subterfuges' they produced their letters of credence.² The Master of Arts who came to announce the university's choice of Roger de Wesenham apparently had his letter of credence in his pocket; he did not offer it to the bishop at the beginning of his interview, although this would have been the usual thing to do. When, however, Sutton insisted on seeing the document it was produced at once.³

The second bone of contention between Sutton and the university was the use of the word 'election' to describe the proceedings by which the masters arrived at the choice of a name to be submitted to the bishop. It is uncertain whether this particular dispute had already broken out when the name of John of Monmouth was put forward in 1288, for the memor-

¹ Sutton, *Reg.*, fos. 43 and 43v.

² *Ibid.*, fo. 87v.

³ *Ibid.*, fo. 117.

anda rolls relating to that year are lost. There certainly was a dispute of some kind which continued until 1290, the year in which Master John finally received his commission from the bishop. When this document was actually drawn up, it stated clearly that the new chancellor had been nominated by Sutton after appearing before him in person. According to John de Scalby's interesting note at the end of this memorandum, the university had been particularly troublesome. 'He who does not wish to suffer disadvantage and prejudice in future', Scalby writes, 'had better take care not to give way too much to the university people in granting commissions and in other matters, for . . . they have begun to rear themselves up in the spirit of pride against the see of Lincoln.'¹ When Simon of Ghent's name was put forward, election was mentioned, for Sutton remarked caustically that he could see what sort of serpent was lurking in the hearts of the masters of the university. The next chancellor, he said, 'whether he were elected or whether he were nominated', must come in person to receive his confirmation.² (This Simon had not officially done, although he came in an apologetic mood to pay Sutton a private visit.) The choice of Roger de Martivall in 1293 was described by the university as 'election or nomination'³ and Sutton explicitly called it a 'nomination', but in 1294 the word 'elected' was used unequivocally to describe Roger de Wesenham.⁴ This roused Sutton to protest. Chancellors, he said, were not elected, they were nominated. He added that when Robert Grossetête of blessed memory had held this office, the existing bishop of Lincoln (Hugh of Wells) would not suffer him even to be called chancellor, but only master of the schools. This statement was apparently founded on known facts, and the university's representative could find no answer to it. He fell back upon a quibble, asking the bishop to act *gratiose* in the matter of confirmation. The word was capable of a twofold interpretation. It might mean 'according to grace rather than a strict interpretation of the law' and Sutton would, I think, have claimed that he usually did admit chancellors in this way. But the word could also bear a much vaguer meaning, 'graciously' or 'kindly', and used in this way it might have implied that Sutton was politely accepting the fact of election. He saw the trap and avoided it carefully in the actual letter of confirmation which he issued.

The last chancellor of Sutton's episcopate was Richard of Clive, appointed in 1297. By this time Sutton, although still

¹ *Ibid.*, fo. 3. ² *Ibid.*, fo. 44v. ³ *Ibid.*, fo. 87v. ⁴ *Ibid.*, fo. 117.

a remarkably vigorous man, was beginning to feel his age. He had been ill,¹ he was beginning to refuse invitations on grounds of bodily weakness, and for some years he had enjoyed a nap after dinner.² He had already made arrangements for the chantry which was to be set up for him after his death.³ The university may have felt that its claims could be pressed forward as the bishop's energy diminished. Its representative used a new formula and announced that Richard of Clive had been 'elected according to the custom of former times'.⁴ But the bishop had lost none of his early vigilance. It was, he explained patiently, not a question of election but of nomination, and he was ready to confirm it—but only in the usual terms.

Finally, there remained the question as to whether or not the person chosen to be chancellor should appear before the bishop in person to receive his commission. Such a visit was obligatory in the case of a man elected or nominated to be head of a religious house, and Sutton obviously thought that chancellors should follow this rule. The university disagreed, and generally carried its point. John of Monmouth was the only chancellor who is known to have appeared before the bishop with due formality.⁵ John's successor, Simon of Ghent, was one of Sutton's personal friends. He managed, by pleading poor health and much business, to avoid making a formal appearance, but he met the bishop for a private and informal consultation, in the course of which he explained that he had been unwilling to accept the office and had given way to pressure from the masters. Roger de Martivall excused himself for non-attendance by pleading 'danger to the university from the secular arm in his absence'. This formula certainly suggests that he considered himself competent to act as chancellor even before receiving letters of confirmation, since he could hardly have resisted the secular arm effectively as a private individual. Roger de Wesenham's excuse for non-attendance was not very original. Finding that the bishop was at Nettleham in Lincolnshire, he pleaded his inability to undertake so long and expensive a journey.

The excuse put forward by Richard of Clive was curious, and it is all the more odd to find that it became the regular formula for explaining the non-appearance of chancellors before the bishop in the fourteenth century. Sutton was at Stow Park, and there appeared before him Master Gilbert of Seagrave, canon of Lincoln, in his capacity as a senior member of the University of Oxford. Gilbert produced his letters of

¹ Sutton, *Reg.*, fo. 169.

² *Ibid.*, fo. 4.

³ *Ibid.*, fos. 358v-359.

⁴ *Ibid.*, fo. 170v.

⁵ *Ibid.*, fo. 17v.

credence without any trouble, and explained that the university had been unable to send either its chancellor-elect or proxies despatched directly from the Congregation. The reasons which he put forward for this defection were the length, labour and expense of the journey, and the fact that the absence of any of the senior and responsible members of the university was bound to have a bad effect on study 'since when any regent masters are absent on common business, all the rest soon stop teaching'. Sutton had apparently never heard of such a thing, and he retorted flatly that he did not believe it, 'he declared to the said proctor that the said university had invented a new formula'. As far as our evidence goes he seems to have been right. The members of the university themselves had based no extravagant hopes upon this peculiar letter, and had provided Gilbert of Seagrave with another, which he produced immediately and gave to the bishop. The wording of this second letter was mainly in accordance with established tradition, and except for the claim that Richard had been 'elected' it contained nothing to which Sutton could take exception. He read it, and then followed his usual custom of confirming the new chancellor 'by special grace'.

Before the name of Richard of Clive's successor came up for confirmation Sutton was dead. In his relations with the University of Oxford he had shown himself a determined man but a just one. It is probably true that, as Pecham said, he exasperated the university past all bearing, but he was not being merely unreasonable. He was unwilling to lose any of his episcopal powers, not for the sake of his own dignity, but because he believed that he would have to answer, at the day of judgment, for every one of the rights of 'our spouse the cathedral church of Lincoln'. This belief, firmly held, made him remarkably efficient as a bishop. In a society where the Christian tradition was in real danger, he stood for the well-tryed, conservative rules of church government. In so doing, he was bound to come into conflict with the university, for the *studium* was still a comparatively new and experimental body, whose rules of government were less than a century old and whose traditions were still in the process of formation. Sutton did not fully understand how powerful a force the university had already become, and subsequent history proved that his attitude of paternal authority would be very difficult for his successors to maintain. Sutton, however, had taken a clear line and had followed it logically. He had allowed none of the episcopal rights to lapse, yet he had put forward

no claims which he could not reasonably defend. He picked no private quarrels, and his disputes with the chancellor grew out of an honest distrust of the motives of the regent masters. I do not think that Oxford will ever honour his memory as that of Grossetête is honoured, but, if the university can hardly number him among her benefactors, he deserves at least a place among the most outspoken of her friends.

SOME POLITICAL AND ECONOMIC INTERACTIONS IN LATER VICTORIAN ENGLAND

BY R. C. K. ENSOR, M.A.

Read 14 February 1948

IN 1870 the Government of the day had behind it the stronger party in the country ; and among its followers in Parliament were the two members for the City of London. Pass a quarter of a century, and come to the Government brought into power by the general election of 1895. Exactly the same two things may be said of it ; it too had behind it the stronger party in the country ; it too numbered among its followers in Parliament the members for the City of London. Only, whereas the Government of 1870 was Liberal, the Government of 1895 was Conservative. That quarter of a century had witnessed the transfer of the City of London's political allegiance from Liberalism to Conservatism ; and therein the City's opinions corresponded to those of the business and moneyed classes generally. So it was, not only in the south of England, but also in the Midlands and Lancashire ; though not yet at all to the same extent in Yorkshire, the north-east coast, or Scotland.

Now how and why did this change come about ? It was, of course, a very important one. People born in this century have been accustomed all their lives to think of the City of London as a Conservative force, and it may not be easy for them to realize that down to so late as 1870 it was unmistakably a Liberal one. How unmistakably may be seen, if we recall that one of the City members of 1870 had a seat in the Cabinet, and his name was G. J. Goschen. Goschen, the son of a prosperous German who had settled in London, was at that time only 39, but already seven years earlier he had written and published a classical book, *The Theory of Foreign Exchanges*. His father had sent him to school at Rugby, and in that and other ways he became thoroughly anglicized. But at bottom he had the mind of his race, not only precocious and with a hereditary gift for finance, but logical, systematic and impatient of the intellectual untidiness so characteristic of England. These qualities made him in that first Gladstone Cabinet not a brake but a stimulus. It was he whose daring attempt to reform local government regardless of the wishes of the country gentlemen raised the first storm of Conservative opposition to the Ministry. Such a Jacobin did he appear to

the landowning class that Gladstone, who did not care enough about local government to stand up for his Bill, had to transfer him hastily to the non-controversial post of First Lord of the Admiralty. Two years later, however, the same Government passed the Ballot Act, and that probably gratified no one of its members more than Goschen, whose logical mind had always been impressed by the abstract case for the ballot, and who consequently had in his election addresses given it first preference on his list of reforms.

How, then, did it happen that not so many years later this keen Liberal became in effect, though not in name, a Conservative, and with him a great part of the well-to-do business class, who were then the political leaders of the English town populations? The fashionable answer of the Marxian school would run something like this. The class to which Goschen belonged, the so-called bourgeoisie, had been brought to the front by the Industrial Revolution and the development of capitalism. Its first struggle had been against the landed class, who till then ruled the country—a struggle represented in Victorian politics by that between the Liberal and Conservative parties. In it the bourgeoisie—i.e. the Liberals—were victorious; but their victory was soon challenged by a third class, the proletariat, whom the development of capitalism had also brought forth. Faced by this new challenge, which threatened the landed and bourgeois classes alike, the parties representing them—the Conservatives and Liberals—were impelled to combine, the more intelligent Conservatives becoming liberalized and the more intelligent Liberals conservatized. And Goschen's action, when he joined Lord Salisbury's Conservative Government in 1887, would be explained as an early, one might say a pioneer, example of this tendency. Despite its temporary interruption by the Liberal revival between 1900 and 1914, the tendency went on; and the subsequent development between 1919 and 1939 of a remodelled two-party system with Labour as the second party might be regarded as rounding it off.

The drawback to these attractive generalizations is that they so imperfectly correspond to the facts. When you have annotated them sufficiently, there is not much left. Take, to begin with, the initial assumption that the Conservative party stood for the landed interest and the Liberal party for the urban bourgeoisie. That can only be admitted with large reserves. The Conservative party developed in the nineteenth century out of the pre-existing Tory party, and the Liberal party out of the pre-existing Whigs. Now the distinction between Tories and Whigs was certainly not one between landowners and

bourgeoisie. Both were parties of country gentlemen, but with the difference that, whereas the smaller landowners (squires or baronets with a few thousand acres apiece) were most commonly Tories, the larger landowners (and, in particular, most of the great ducal families) were usually Whigs. The chief doctrinal difference between them was that the Tory squires were strongly pro-Anglican and firmly upheld the civil disabilities imposed on Dissenters, while the Whig dukes, although themselves Churchmen by religion, were not in favour of Churchmen's secular privileges. In addition, it was the Whigs who had engineered the substitution of Parliamentary for absolutist government; and they had a tradition of loving liberty in that sense. Towards the end of the eighteenth century Burke and Fox and Adam Smith and Bentham between them developed it into something like Liberalism of the nineteenth-century type; and to this creed the then new bourgeoisie were commonly sympathetic, partly because so many of them were Dissenters in religion, and partly because the Adam Smith economics suited their business requirements. Yet it was not they, but the aristocrats and university teachers, who launched the Liberal doctrine. The first bourgeois business men to rank as prophets of this alleged bourgeois creed were Cobden and Bright—late-comers, who popularized rather than created, and who never came to the very top in the official party hierarchy.

Similar corrections are due on the other side. The only British Prime Minister in the nineteenth century who was a manufacturer's son was Peel—the Conservative leader. Not merely did he lead, but it was he perhaps more than any other who moulded and fashioned Conservatism in its modern form out of the nebulous Toryism that preceded it. It is true that after he had split his party in 1846 by repealing the Corn Laws, the anti-repeal majority, led by Disraeli and Lord George Bentinck, very naturally did consist first and foremost of the country gentlemen; and in this way the Tory or Conservative party then became more distinctively the landowners' party than ever before. Lord George Bentinck, indeed, saw things so much in that light that he felt it essential to convert Disraeli himself into a landowner, and for that purpose, with the help of his two brothers and the Duke of Portland, his father, he financed Disraeli's purchase of the Hughenden estate. But though at Hughenden the new Conservative leader conformed almost ludicrously in all externals to the role of a country squire, his mental outlook continued to be a different and wider one; and when he took office, it was to the great towns much more than to the countryside that his principal

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attention was directed. Conversely, when the real crisis confronted British agriculture from 1877 onwards, it was he and his party (this supposed landed-interest party) which in fact, as we shall see, let the landed interest down.

To that crisis—the transatlantic challenge to British, indeed to West European, agriculture from 1877—let us next turn our attention. Neither its complicated causes nor its far-reaching and many-sided effects have by most historians been adequately appreciated. Rarely has a development, almost purely economic in itself, had such wide and deep repercussions on the world's politics.

Cheap transatlantic grain production was essentially an economic, non-political affair. It originated in a series of inventions. The first of these was one of Great Britain's gifts to the world—the invention of railways. Between 85° and 100° west longitude the United States contained enormous expanses of uncultivated but easily cultivable land, which until railways were developed could only be reached and settled along the navigable inland waterways. Of these there were a great many, especially in the basin of the Mississippi, with its huge tributaries; but, helpful as they were, they could only give access to a relatively small square mileage in so vast an area. The new transport changed all that, and after the American Civil War there was a fever of railway construction. The number of railway miles in the United States, which had been about 30,800 in 1860, exceeded 94,000 by 1880, i.e. it was more than trebled in two decades. Most of the growth was across prairie; farmers could get land there for nothing, or nearly nothing; and the companies offered them transport below cost price for a period of years. The result was an ultra-rapid increase in the number of American farmers. Simultaneously a quite different set of inventions also multiplied their productivity per head. The prairie farmer had virtually unlimited land, and it was virgin, needing no manure. But he could get no hired labour, and the limit to his output was set by what machines would enable one pair of hands to do. Inventions were forthcoming to meet that need, and the most epoch-making, the self-binder, was brought out in 1873. Within five years it was very widely used indeed, and in principle doubled every user's crop. But the story does not end there. Yet another series of inventions synchronized its effect. They were in the sphere of marine engineering; and by them, between 1863 and 1872, the fuel consumption of merchant steamers was halved, and not only coal was saved, but cargo-space greatly increased. Thus in eleven years the

How about Air, you old Cuckoo!

POLITICAL AND ECONOMIC INTERACTIONS

cost of sending grain by water from Chicago to Liverpool fell by nearly 10s. a quarter—9s. 9d. to be exact. That alone would have been a sensational change, had neither of the other changes happened.

The present writer has recounted these facts at more length elsewhere ; but it seemed advisable at least to summarize them here, in order to recall how purely economic and non-political were the forces at work. No statesman 'planned' the overwhelming invasion of Europe by American prairie-wheat in the late 'seventies of last century. Its political consequences, however, were most far-reaching ; and among them may be found, it is suggested, the major part of the answer to the question posed at the beginning of this paper.

By 1879 it had become evident that no agriculture in Western Europe could stand up against the prairie on equal terms, and in every country affected the farming interest cried out for Protection. And in every one they obtained it, excepting Britain and Belgium. The Belgian case was not important ; for, although Flanders and Brabant had relatively large arable acreages, they were already to a considerable extent specialized to other crops than corn. Omitting Belgium, we may say that the Continent protected its corn and saved its farmers, whereas the British Isles did not. These were political decisions, and they had a variety of political results.

Let us to-day examine the British ones. Since 1846 the country classes in this island had enjoyed great prosperity. It was the golden age of British farming ; and all classes concerned had the feeling that they had never been so well off before. That was true even of the agricultural labourers, who had really made much progress since the 'hungry 'forties'. But it was still truer of the better-off classes dependent on the land—owners, agents, farmers, country clergy, blacksmiths, wheelwrights, and (then a very numerous, sturdy and distinct order) country millers. This flourishing and, on the whole, harmonious society was ruled by the country gentlemen, then, as we have seen, more definitely dominating the Conservative party than at any time before or since ; and the only serious grumble they could have, was that for twenty-five years their party never had a proper innings at the Westminster wickets. In 1874 even this was made good ; a strong Conservative team started batting with every prospect of a high score. And then came this totally unforeseen revolution from the prairies ; and when the country people cried to their own Government for help, they got none ; and so—not in a moment, but through a long, slow agony of never-ending losses, which with no real

*jolly old
stars
etc.*

intermission lasted over eighteen years—the whole of that once-flourishing society went down into the pit.

Why did the Disraeli Government allow this to happen? Why did they act so differently from the Governments of Germany and France? For two reasons—one negative, the other positive. The negative one was that, unlike the Continental Powers, Great Britain was not interested in conscripts. At that time it was everywhere believed that country people made the best soldiers; and this supplied France and Germany with a motive, not shared by Britain, for saving their country-dwellers. The positive reason was that in Britain food taxes were uniquely unpopular. Their repeal in 1846 had been followed by a golden age in sharp contrast to the iron age immediately preceding it; and so they had become in the national imagination a symbol of bad old days, which nobody wished to see back. Had not Disraeli himself said that 'Protection was not only dead but damned'? No Government resting on votes could flout a conviction so strongly and almost universally held. In this way Disraeli and his colleagues were really powerless to act otherwise than they did.

Some of the principal consequences may be listed:

(1) The conversion of arable to pasture (mostly poor pasture) over huge acreages of Great Britain, increasing correspondingly the island's dependence on imported food. The loss of grain was not compensated by any net increase of livestock.

(2) Greatly reduced numbers and lowered quality of the agricultural population.

(3) Impoverishment of the landowning class, resulting in the loss of its political position. This is often popularly ascribed to death duties, and was undoubtedly later accentuated by them; but it began from the earliest 'eighties, as soon as it was realized that the low corn prices had come to stay, and that the elaborate structure of life interests, mortgages, etc., built up on the assumption of a given income from rents could not be sustained when that income was halved.

(4) Heavy financial injury to the Church of England and eventual destruction of that country parsonage life which had meant so much to the nation in the nineteenth century.

Now those were all changes of such national scope that sooner or later politicians had to take account of them; while one of them—(3)—directly influenced the composition of parties, since it enabled, indeed compelled, the Conservatives to become a town party. But towering over them in its immediate political consequences came yet another effect—

(5)—which we may summarize as the revolution in Ireland. It was this, far more than anything else, which took bourgeois politicians like Goschen out of the Liberal party and into co-operation with the Conservatives.

First let us see very broadly what was the effect of the prairie corn-prices upon Ireland. In England the agricultural industry was the most advanced and in many ways the strongest in Europe. Nevertheless, with all its reserves of capital and skill, it could not stand up to the storm. But in England agriculture was only one industry out of many; though it still had employed more workers than any other, the others taken together far outnumbered it. Now in Ireland both these situations were quite different. Where English agriculture was exceptionally strong, Irish was exceptionally weak; what wrecked English farmers, must far more easily wreck Irish. Secondly, whereas in England there were a mass of alternative industries, in Ireland, save around Belfast, there were none. Ruin farming, and you ruined almost the whole Irish people. And in fact that was what happened.

Then let us see what the Irish situation was, upon which the catastrophe supervened. It was perhaps the most favourable to the English connection ever known till then. For centuries there had been two roots of disaffection in Ireland—agrarian and national. But the agrarian was much the more important. To-day we probably tend, in the light of what subsequently happened, to exaggerate the earlier extent of Irish nationalism. In the eighteenth century few, if any, thought of Ireland as a nation; how should they, seeing that since mythological times she had never been one? The Protestant squires wanted a Dublin Parliament that they might get their jobbing fingers deeper in the pie of Dublin Castle's affairs without going to distant London for the purpose. And the Catholic majority of the Irish population, groaning under penal laws, whose scope was defined by religion, not by race, wanted religious emancipation. But neither were truly national. All that time, and far into the nineteenth century, there was among the common Irish people a pervading British patriotism—a sense of the greatness of the Pan-Britannic community, in which the Burkes and Goldsmiths and Sheridans and Wellesleys came to play such conspicuous parts. It was perhaps particularly fostered by the army; and the famous nineteenth-century speech of Lalor Sheil extolling the Irish soldiers who fought at Waterloo still breathes the spirit of it. When the youthful Thomas Davis and his associates came out in the 'forties of last century with the slogan 'Ireland a Nation',

what helped to make it attractive was that it was new. Irishmen had seldom seen themselves in that light before.

But the abiding evil in Ireland throughout was the monstrous land system. It is often said that the Union of 1801 might have succeeded, if it had been accompanied, as was Pitt's intention, by Catholic Emancipation. May it not be equally true that, although Catholic Emancipation in 1827 was twenty-six years late, it would have succeeded even then if it had been possible to combine with it a sufficient measure of land reform? The word 'possible' is used, because probably it was not possible. Just as it has been said above, that in 1878-9 no British Government could, having regard to all the circumstances, have intervened to save agriculture, so it is scarcely thinkable that anyone could in 1827, or at any time within that generation, have carried through the British Parliament the reforms needed in Irish land law. Nevertheless Irish history would have been very different had it been done. For the extreme of feckless poverty and degradation which then prevailed among so many millions of Irish peasants was essentially due to the rack-renting system. Had that been earlier removed, the Irish famine and pestilence of 1845-6 could never have run the course that they did, nor been followed, as they were, by the migration of millions of Irish to the United States. Thus the foundations of Irish separation would not have been laid.

In 1870, however, the Land Act of that year at last removed the root evil in Irish life. It is improbable that it could have been passed earlier; only the devoted courage and supreme parliamentary skill of Mr. Gladstone, then at the very top of his form, passed it then. Irish agrarian disorders had preceded it, in part conjunction with the new Irish nationalist force represented by the Fenians; but after the passing of the Act they did not long continue. A real tranquillization set in. In 1875 the Dublin correspondent of *The Times*, an observer of the highest authority, made a survey of the country, and in a considered report declared that the outlook was never better; that the Land Act of 1870, following the Disestablishment Act of 1869, had done its work; and that a contented Ireland was now for all to see. There seem no valid reasons for doubting the truth of that diagnosis. Writers after the event have impugned it on the ground that within three years the land trouble was greater than ever. But that criticism is as much beside the mark as it is to blame Gladstone for not covering in his 1870 Act what he covered in his Act of 1881. Both censures ignore the point, that from 1877 onwards an entirely

new thing happened, which nobody could anticipate beforehand. When Gladstone passed his 1870 Act, agriculture in the British Isles was as yet on the upgrade. It was still proving worth while to bring new acres under the plough. The invasion by prairie corn, which put an end to that, was a sudden and complete surprise—a bolt from the blue. But once it came, it came to stay, and was—failing government intervention—irresistible.

In Ireland it meant that almost immediately every tenant was unable to pay his rent. And on the other side every landlord was unable to obtain the income which he needed to discharge his ordinary obligations. A certain number of Irish landlords were wealthy and eminent Englishmen—persons like the Marquess of Lansdowne or the Duke of Devonshire ; but the bulk were wholly or mainly dependent on their Irish-estates. Thus the case was not one in which either side could easily give way ; and very quickly violence began. As early as April, 1878, the Earl of Leitrim was waylaid and murdered in Donegal. Then the Fenians became active on the tenants' side ; and when the National Land League was formed in 1879, its two treasurers and its two secretaries were all four of them Fenians. Its president was Parnell ; and thus there was assured a close liaison between political nationalism and agrarian discontent. In this way the Irish land revolution was launched, and ran its stormy course for a number of years.

It is no part of the purpose of this paper to trace that course in detail. It will suffice, if we register certain facts about it. On both sides of the Irish Channel the horrors and barbarities produced profound though opposite effects. On the Irish side they raised the temperature of anti-English feeling to heats rarely known before, and at the same time caused a dulling of the moral sense. Crimes, from which at first the great majority of Irishmen recoiled, came to be less blamed as they grew more familiar ; and so the standards, as one might call them, of cruelty and atrocity progressively rose. In England, on the other hand, an intense repugnance was aroused. English society began to be familiar with the hapless figures and piteous tales of Irish landlord refugees. Formerly members of cultivated society, they often now possessed little but the clothes they stood up in. Some had had their mansions burned over their heads ; others had seen husbands or brothers murdered, or been forced at dead of night to dig their own graves ; most could tell of barbarous cruelties to their cattle and horses and wanton desolation of their homes. Both English political creeds—and certainly not least the Liberal—

regarded security of person and property and the reasonable enforcement of contracts as basic, whether for liberty or for civilization. And now under the British flag across only a few miles of the Irish Channel they saw all such principles abrogated by agrarian violence. The result throughout English society was a Conservative reaction, which was helped to become Conservative in the party sense by the fact that a Liberal Government was in power and had the responsibility for securing what in fact was not secured. The tendency was strengthened by divisions within the Cabinet. Its most typically bourgeois members—Forster, Bright and eventually Chamberlain—were the least sympathetic towards the Irish. On the other hand, the most sympathetic was the Prime Minister, Gladstone himself. He had appraised the Irish situation much more fully than his colleagues; his successive policies—the 1881 Land Act, the 1882 Kilmainham treaty, and finally the 1886 Home Rule Bill—we can recognize now as acts of supreme statesmanship. But at the time when he performed them he was acquiring in too many other spheres—notably in the Transvaal, in India and in Egypt—a reputation for weak knees. It was peculiarly unfortunate that his most blameable performance in that respect—the universally reprobated failure to save Gordon—should have happened early in 1885, only a year before he formed his Home Rule Cabinet. Thus the English bourgeoisie seemed to have its worst fears confirmed beforehand.

The conclusion, to which we are working, is that what turned the Liberal business class of 1870 into the Conservative—or Liberal Unionist—business class of 1895 really was the Irish agrarian revolution. We know, of course, that the actual split in the Liberal party occurred formally in 1886 over Home Rule. But there was more in that than a formal occasion; dissatisfaction about Ireland had long been preparing the change. If we take Goschen's own case, he had declined to join the Gladstone Cabinet in 1880 because of a purely personal dislike that he had to widening the franchise for the county constituencies. But after that issue was disposed of by the Act of 1884, Gladstone again invited him, and he again declined. His biographer's excerpts from his diary and letters suggest that Ireland was the dominant motive; and this is at least equally evident in the case of Lord Hartington, afterwards the great Duke of Devonshire. He, of course, was an aristocrat, not a bourgeois; but he kept very close to the bourgeoisie's point of view, and was restive about Ireland long before the split came.

So it will be seen that the *a priori* scheme of things, whereby the bourgeoisie after figuring as Liberals in their opposition to landed privilege came to figure as Conservatives in opposition to a rising proletariat, does not fit what actually happened. What impelled the British bourgeoisie towards Conservatism in the later Victorian period was not fear of the proletariat at all. In the political field the working-class stirrings of the 'eighties came to very little all told ; and if in the trade union field they were less negligible, they wore there no revolutionary aspect. No, the source of alarm was agrarian, not proletarian ; it was Irish, not British ; it was due to sequences of cause and effect very different indeed from any which would fit into the dialectic of Karl Marx. If you ask why the English urban bourgeoisie were so much stirred by these Irish rural events, the answer must cover several points. Their motives were not those of the English aristocracy, of whom some had estates in Ireland, others were related to Irish landowners by marriage, and all had a sense of class-community. But one very strong bourgeois reaction was a moral horror at unprevented and largely unpunished crime. In those days English business men were still regular at church, and the churches still repeated the Ten Commandments, and Sunday after Sunday brought the solemn monition : 'Thou shalt do no murder.' Sensibilities on that side were then much sharper than twentieth-century developments, including two world-wars, have since left them. Secondly, there was a widespread feeling that in Ireland justice had been overborne by force, and that England's reputation for fair dealing had been compromised. Thirdly (and this was a very strong factor), there was evoked a peculiar kind of patriotic impulse. In Ireland itself the effect of the land-war was to give a most powerful stimulus to separatist nationalism. Other things contributed, and notably the personality of Parnell ; but Parnell could never have become the magnet that he was but for the Land League. Indeed, it does not seem too much to include among the results of the Disraelian refusal to protect agriculture in 1878 the whole stream of tendency which, starting thence, has ended by separating Eire from Great Britain. But—and this is our present point—just as the land-war stimulated nationalism in Ireland, so it did in England. The English business class was intensely patriotic ; it resented the Irish events as an affront to England ; and as the affront—with others, e.g. Majuba and the loss of Gordon—occurred under a Liberal Government, it withdrew its allegiance from the Liberal party.

That is the end of the story which we set out to tell ; but

perhaps it calls for a brief epilogue. In the early twentieth century an appreciable part of the business class, which had deserted the Liberal party, came at least temporarily back to it. The reasons again go back to the prairie-corn crisis of the late 'seventies. Then, as was shown above, the Continental governments (notably those of France and Germany) saved their farmers by putting tariff duties on corn. But things did not end there; for when their farmers had protection, their manufacturers claimed and secured it also; and the two interests, alternately forcing the pace, landed most European countries by the end of the century in pretty high Protection. As a counter-stroke against this the Conservative party was induced by degrees to identify itself with a Protectionist policy; but in so doing, although it pleased many business interests, it displeased others—then a majority—which had a vested interest in Free Trade. The consequence was a return to a political order, in which both of the two main parties had a strong footing in the business class. The return was undoubtedly made easier by the partial assuagement of Ireland for the time being through the Land Purchase Acts.

This state of things lasted until the 1914 war. It would carry us too far afield to attempt to trace to-day the later sequences of events, which eventually dethroned the Liberal party from its position as one of the two parties in our two-party system, and raised the Labour party to that position in its stead.

*Wishy - Washty, uncomfortable, and
A touch simplistic, what? smile!*

MANORIAL ORGANIZATION IN THE LOW COUNTRIES IN THE SEVENTH, EIGHTH AND NINTH CENTURIES

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THE type of economic organization known as the manor existed in the north of Gaul, including the regions which were later to be known as the Low Countries,¹ in the Merovingian period and even in Roman times, but it is not till the eighth century that evidence regarding it becomes relatively abundant. The little that can be said of its structure and diffusion before the Carolingian period can only be of an introductory character. We have no evidence as to the relative proportions of large, middle-sized, and small estates, but there can be no doubt from texts of the seventh and early eighth centuries that large, indeed very large, estates existed at this period.

So far as the royal domain is concerned, we can form no idea of its total extent, but gifts to the Church at least testify to its presence. The abbey of St. Amand (Elnone) on the Scarpe was founded on an estate of Dagobert I (*ob.* 639); Attin, near the mouth of the Canche, belonged to the king; there were royal estates in Condroz; and a large part of the Ardennes formed a hunting reserve (*forestis*), some portions of which had been bestowed on religious communities.²

There is more information available regarding ecclesiastical estates, which were sometimes very large indeed. Between 649 and 745 the abbey of St. Bertin acquired by gift, exchange, or purchase more than forty estates, and this figure does not include fractions of manors and other lands, or the convent of Honnecourt with its own endowment or the church of Roksem.³ These possessions lay in the *pagus* of Théroouanne, like the abbey itself, or in such neighbouring *pagi* as Noyon, Vermandois, Ponthieu, Mompiscus and Flanders. St. Bertin's was situated

¹ I include in this term the modern kingdoms of Belgium and Holland and the grand-duchy of Luxemburg, together with some adjacent regions of Germany and France, which in the Middle Ages formed part of the chief principalities of the Low Countries.

² Testament of St. Amand of 675 (ed. B. Krusch in *M[onumenta] G[er]maniae H[istorica], S[criptores] R[erum] M[erovingicarum]*, v. 484); B. Guérard, *Cartulaire de l'abbaye de Saint-Bertin* (Paris, 1840), no. 9 (*a.* 662); J. Halkin and C. G. Roland, *Cartulaire de l'abbaye de Stavelot-Malmédy*, i (Brussels, 1909), nos. 2 (*c.a.* 648), 6 (*a.* 670), 10 (*c.a.* 681), 11 (*c.a.* 681), 12 (*a.* 692) and 16 (*a.* 744).

³ Honnecourt: France, dép. Nord.—Roksem: Belgium, prov. West Flanders.

in the south-western part of the Low Countries, but other examples can be found in the eastern part of the same region. Between c. 648 and 748 the abbey of Stavelot-Malmédy acquired by gift or exchange an important stretch of wooded country in its own vicinity, fourteen estates and other lands in Condroz and the Ardennes, an estate with a dependent manor in the valley of the Aisne, and a toll on the lower Loire. Between 692 and 726 a series of gifts and exchanges provided the abbey of Echternach with great wealth in land. This included two entire estates, Echternach itself and another—no doubt Bollendorf—in its vicinity, together with a small estate in the Bidgau, the *pagus* in which the abbey was situated, and other less important pieces of landed property in the Moselle region. Further afield were a manor and other possessions in the *pagus Renensium* in the neighbourhood of Antwerp, a manor and other possessions in Thuringia, several churches with their endowments at Antwerp, in the vicinity of Cologne, and at Vlaardingen near the mouth of the Maas, a third of the tolls at Antwerp, and finally seven small manors or fragments of manors in Toxandria.¹

With regard to these three great abbeys, situated respectively in Artois, the Condroz region or the Ardennes, and the valley of the Moselle, we have therefore a number of details, but in the case of other important foundations, equally well endowed, we have less precise information. This is the case, for example, with Lobbes on the Sambre, which was founded between 660 and 680; it possessed estates and isolated parcels of land in its own neighbourhood and further afield, but there are no Merovingian sources to throw light on their extent. A little further to the north, on the edge of the *Silva Carbonaria*,² lay the abbey of Nivelles, which was founded soon after 640 and was closely connected with the house of Pepin. Its primitive endowment can be reconstructed with some degree of probability, and seems to have been formed of a group of contiguous estates with an extent of some 40,000 acres.³

¹ Guérard, *op. cit.*, nos. 3, 5, 9, 11, 18, 20, 29, 33; Halkin and Roland, *op. cit.*, i, nos. 2, 3, 4, 6, 12, 15, 17, 18, 19 (cf. J. Yernaux, 'Les premiers siècles de l'abbaye de Stavelot-Malmédy', *Bull. de la Soc. d'art et d'hist. du diocèse de Liège*, xix (1910), pp. 321-42, and F. Baix, *Etude sur l'abbaye et principauté de Stavelot-Malmédy*, i (1924), pp. 152 ff.); C. Wampach, *Geschichte der Grundherrschaft Echternach*, I. ii (Luxemburg, 1930), nos. 1-38 (cf. I. i. 548 ff.)—Toxandria corresponded roughly to the Belgian provinces of Antwerp and Limburg and the Dutch province of North Brabant.

² The *Silva Carbonaria* extended from the region of the Sambre in the south to the region between the Senne and the Dyle in the north.

³ I have converted hectares into acres by multiplying by 2.5 instead of by the more exact figure of 2.47, since I am concerned only with the order of magnitude of the estates.

In both these cases very large endowments indeed were involved; other houses, though possessing great estates, had more modest patrimonies. In the region of the Scheldt and Lys, for example, the only possessions of the abbey of St. Peter of Ghent (*Blandinium*), founded towards the middle of the seventh century, which can be ascribed with certainty to the Merovingian period consisted of a manor in the immediate neighbourhood of the abbey, two fragments of manors near Tournai, three or four small manors or fragments of manors in the *pagi* of Ghent and Brabant, and about a dozen water-meadows (*mariscus*) in the *pagus* of Aardenburg by the sea.¹

There were also great estates in the hands of the laity. The best-known case for this region is provided by the family of Pepin. The abbey of Nivelles was founded on and endowed with one of the largest estates of Itta, widow of Pepin I, and their son Grimoald presented the great manors of Germigny and Terron-sur-Aisne² to the abbey of Stavelot-Malmédy in 659. Grimoald's nephew Pepin II, with his wife Plectrudis, made to St. Willibrord the great series of gifts which provided the initial endowments of the abbeys of Echternach and Susteren.³ These are only some of the elements in the landed wealth of the house of Pepin; of its total extent we can form no idea at all, but it must have been enormous.⁴ Other less distinguished families were also remarkable for their wealth. St. Amand founded more than one of his abbeys on great estates bestowed on him by members of the aristocracy. The abbey of St. Peter of Ghent, in the course of the seventh and eighth centuries, acquired estates which were both numerous and extensive from persons who clearly could dispose of great wealth in land, and the same is true of the region between the Yser and the Canche, where the benefactors of

¹ Lobbes: L. Génicot, 'Donations de "villae" ou défrichements: les origines du temporel de l'abbaye de Lobbes', *Miscellanea in honorem A. de Meyer* (Louvain, 1946), is too precise, since the documents he uses are too late in date.—Nivelles: B. Delanne, 'Contributions à l'étude du domaine de l'abbaye de Nivelles', *Ann. de la Soc. arch. et folklorique de Nivelles et du Brabant Wallon*, xiii (1942), and *Histoire de la ville de Nivelles* (Nivelles, 1944), pp. 201 ff.—Ghent: A. Fayen, *Liber Traditionum S. Petri Blandiniensis* (Ghent, 1906), nos. 4, 42-6, 53, 58.

² Germigny: France, dép. Ardennes, arr. Rethel, cant. Juniville, comm. Neuville-en-Tourne-à-Fuy.—Terron-sur-Aisne: dép. Ardennes, arr. and cant. Vouziers.

³ *Vita Geretrudis*, cc. 2, 3 (ed. B. Krusch in *SRM*, ii); Halkin and Roland, *op. cit.*, i, no. 3; Wampach, *op. cit.*, I, ii, nos. 14, 15, 24.

⁴ It is impossible to define exactly which portions of the Carolingian royal domain went back to the house of Pepin, but cf. H. Zatschek, *Wie das erste Reich der Deutschen entstand* (Prague, 1940), pp. 30-40, and F. Rousseau, *La Meuse et le pays mosan en Belgique* (Namur, 1930), pp. 221 ff.

St. Bertin's must have possessed at least one large estate apiece. Engelwara, who made a valuable grant to St. Peter's of Ghent in 707, possessed property in the *pagi* of Ghent, Tournai and Aardenburg. Adroald, who in 649 made the grant of the manor of Sithiu to St. Omer on which the abbey of St. Bertin was founded, was at the same time owner of twelve other estates. In the *pagus Renensium*, Rohingus and Bebelina gave to St. Willibrord at the end of the seventh century a church and a third of the tolls in the *castrum* of Antwerp, together with a manor and other property in the neighbourhood. Adalgisel-Grimo, a deacon belonging to a noble family which numbered several dukes among its members, left by will (634), an immense fortune in land to churches of the dioceses of Trier, Metz, Verdun and Tongres; it included parts of the manor of Flémalle on the Meuse, Grand-Han on the Ourthe, and Bastogne on the Wiltz, to say nothing of vineyards on the Lieser. In the last years of the seventh and the first of the eighth century, St. Willibrord was the recipient of estates of various sizes situated in Toxandria or the Bidgau from at least seven benefactors; in some of these cases, a single donor gave various parcels of land, or even two or three separate manors.¹

A general characteristic of the great estates in the regions with which we are here concerned is that which German economic historians term 'Streubesitz', i.e. the dispersion of its various elements. The need for efficient administration frequently made some form of grouping necessary. The *actio* of the royal *domestici* was a grouping of this kind,² but nothing definite is known of the forms of organization which must have existed for the possessions of churches and the more wealthy laity. It is probable, however, that the frequent description of manors and fractions of manors as *appendicia* of other larger manors implies the existence of such a grouping. One may assume, for example, that Amalgisus, *index* of St. Lambert, who was alive a year after the saint's death and saw

¹ St. Amand's: *Vita S. Amandi*, c. 15 (ed. B. Krusch in *SRM*, v. 439).—Ghent: Fayen, *op. cit.*, nos. 42-6 and especially no. 58 (cf. H. Pirenne, 'Liberté et propriété en Flandre du VII^e au XI^e siècle', *Bull. de l'Acad. roy. de Belgique, Classe des Lettres*, 1911, pp. 511-12).—St. Bertin's: H. Van Werveke, 'Grands propriétaires en Flandre au VII^e et au VIII^e siècle', *Rev. belge de philol. et d'hist.*, ii (1923), and especially Guérard, *op. cit.*, no. 3.—Rohingus and Bebelina: Wampach, *op. cit.*, I. ii, nos. 1, 34, 35 (cf. F. Prims, 'S. Willibrordus en S. Amandus te Antwerpen', *Collectanea Mechliniensia*, 1931, 1932).—Adalgisel-Grimo: W. Levison, 'Das Testament des Diakons Adalgisel-Grimo vom Jahre 634', *Trierer Zeitschrift*, vii (1932), esp. l. 38-43.—St. Willibrord: Wampach, *op. cit.*, I. ii, nos. 3, 4, 6, 9-12, 16, 17, 20, 21, 28, 30, 33.

² A. Carlot, *Etude sur le domestiques franc* (Liège, 1903), pp. 23-9.

him appear to him in a vision, was administrator of a grouping of property which belonged to the church of Tongres.¹

It is clear that the practice of clearing the forests, at that time much more extensive than to-day, was already being undertaken in the late Merovingian period.² Place-names in *-rode* (region of the Lys and Scheldt) and *-roeuilx* (region of the Sambre), which appear in texts of the ninth century, can only refer to land cleared at this time. But there is no evidence of systematic large-scale clearances. Often it is merely a case of assarting in the immediate neighbourhood of the abbeys, as for example at Stavelot-Malmédy and at *Andaginum* in the Ardennes, where the abbey known as St. Hubert's was founded at the beginning of the eighth century. There is good reason to believe that some of the estates of Lobbes which were closest to the abbey had been formed by clearances of the surrounding woods. Even in the royal 'forest' of the Ardennes some land was brought under the plough. Towards 670 the king possessed *curtes* there at Amblève, Chérain and Lierneux, and in this region it appears that the word *curtis* implied a centre of mixed production which combined exploitation of the forest with pasture and perhaps arable farming on the land which had been cleared. Something of this kind must have been the case on the estate of Adalgisel-Grimo at Bastogne; it is not described as a *villa*, but it included herds of cattle sufficiently important to make them worthy of special mention in his will (634).³

In general, one may say that the most widely diffused unit of exploitation in the system of great estates was the *villa*, the manor in the strict sense of the word. But the *villa*, as a result of inheritance, gift or sale, might easily be divided, and we frequently hear of thirds, quarters, or undefined fractions of *villae*. Sometimes ecclesiastical houses, endowed with several such *portiones*, laid themselves out to try to reconstitute the original *villae*; this was done at Echternach, for example, in the time of St. Willibrord for the estates of

¹ *Appendicia*: Guérard, *op. cit.*, no. 3, and Halkin and Roland, *op. cit.*, i, nos. 17, 18.—*Amalgistus index*: *Vita Landiberti prima*, c. 24 (ed. B. Krusch in *SRM*, vi; cf. G. Kurth, 'La Vita S. Lamberti et M. Krusch', *Etudes Franques*, ii, 1919).

² O. Tulippe, *Cours de géographie humaine*, I. iii (Liège, 1942), pp. 6-15.

³ *-rode*: Fayen, *op. cit.*, nos. 26, 32, 33.—*-roeuilx*: J. Warichez, 'Une descriptio villarum de l'abbaye de Lobbes à l'époque carolingienne', *Bull. de la comm. roy. d'hist.*, lxxviii (1909), p. 249.—Stavelot-Malmédy and St. Hubert's: Yernaux, *art. cit.*, pp. 321-31, and G. Kurth, 'Les premiers siècles de l'abbaye de Saint-Hubert', *Bull. de la comm. roy. d'hist.*, 1898, pp. 24-8.—Lobbes: Génicot, *art. cit.* pp. 295-6.—Ardennes 'forest': Halkin and Roland, *op. cit.*, i, no. 6.—Bastogne: Levison, *art. cit.*, l. 43.

Echternach itself and Bollendorf.¹ The size of the *villae* was very variable. It is generally agreed that the Merovingian *villa* was roughly the same size as the modern village in regions which had been settled for a long period, as for example in the regions of the Seine and the Loire. Probably the same is true of the region with which we are concerned. It seems to have been proved, for example, that this was the case for the estates which formed the initial endowment of Nivelles, though Nivelles itself, the *villa Nivialcha*, was much larger—more than 19,500 acres. There were also some abnormally large *villae*; perhaps, as in the case of Nivelles, they originally consisted largely of forest. There were equally unusually small estates; those in Toxandria which were given to St. Willibrord for the abbey of Echternach in the early eighth century are a case in point.²

With regard to the internal structure of the *villa*, our sources of information are neither numerous nor explicit enough to make it possible for us to draw a precise picture of what it was like in this northern region of Gaul. It is certain that in at least the majority of cases the structure was a dual one. On the one hand, there was the portion of the manor which the lord cultivated or caused to be cultivated for his own profit; it included a dwelling-house and home farm (*domus, curtis, sala, curticle, curtichum*), arable land, pasture, usually some woodland, and occasionally some waste; in certain regions, as for example near the Moselle, it comprised vineyards as well. On the other hand, there were the holdings or tenures, the parcels of land (*casata, mansus, mansionile*³) held on various conditions by tenants (freemen, *coloni, laeti*, slaves who were *casati*) who cultivated them for their personal profit in return for the payment of certain fixed dues in work, produce, or sometimes money. Theoretically held only for life, these tenures were doubtless in fact hereditary. They consisted chiefly of arable land, and of vineyards in regions where the vine was cultivated. But that is about all that one can say.

¹ Divided estates: see notably the will of Adalgisel-Grimo (above p. 32, n. 1).—Attempts at reconstitution: Wampach, *op. cit.*, I, ii, nos. 3, 4, 14, 25, 27. On the phenomenon in general, cf. E. Lesne, *Histoire de la propriété ecclésiastique en France*, i (Lille, 1910), pp. 212–13.

² Nivelles: Delanne, 'Contributions', pp. 53–4, 27–47.—Toxandria: Wampach, *op. cit.*, I, ii, nos. cited above, p. 32, n. 1 *in fine*. In the latter case, the small number of *casatae* which accompany the grants of centres of exploitation suggest that the estates were themselves very small, even if we assume that part of them was kept back by the donors.

³ This rather general analysis is based on the texts cited above, p. 30, n. 1 and p. 31, n. 1, especially those of Fayen at the end of the latter note,

In the second half of the eighth century, and to a greater degree in the ninth century, our sources of information become more numerous and more precise. From the much greater number of charters, and even more from polyptychs or fragments of polyptychs which have been preserved,¹ we can form a detailed picture of many great landed properties in the Low Countries and can describe the manorial organization and its working in these regions.

It was still mainly in the hands of the king, the Church and the aristocracy that large estates were concentrated. But the domains of the Crown, in the region with which we are concerned, had in the ninth century been already seriously reduced by grants to the aristocracy, grants either voluntary or made under compulsion, in full ownership or in benefice. Although his kingdom comprised the area where the royal domain of the Carolingians was at its richest, Lothaire II declared in 862 that his possessions were inadequate to satisfy the reasonable demands of his vassals, and he justified on these grounds his seizure of the estates of Stavelot-Malmédy.² The Church had lost in some directions, but had gained in others. Although the confiscation of ecclesiastical property, both in law and in fact, had gone on constantly through the eighth and ninth centuries,³ it is only necessary to glance at the sources relating to such abbeys as St. Bertin's, St. Peter's of Ghent and Echternach to see that there is another side to the picture.⁴ But it seems that gifts of really large estates

¹ Polyptychs: (1) of St. Bertin's of 844-59 (Guérard, *op. cit.*, pp. 97 ff.; brief commentary in G. W. Coopland, *The abbey of St. Bertin and its neighbourhood* (Oxford, 1914), pp. 17-22); (2) of Lobbes, probably of 866 (Warichez, *op. cit.*); (3) of Prüm of 893 (H. Beyer, *Urkundenbuch für die . . . mittelrheinischen Territorien*, i (1860), no. 135).—Fragments of polyptychs: (1) of St. Amand's, of the second half of the ninth century (B. Guérard, *Polyptyque de l'abbé Iymnon ou dénombrement des manses, des serfs et des revenus de l'abbaye de Saint-Germain-des-Prés*, i (Paris, 1844), pp. 925-6; (2) of St. Peter's of Ghent, of between c. 820 and 879 (Fayen, *op. cit.*, nos. 3, 4, 5).—To these may be added a part of the *Brevium exempla ad describendas res ecclesiasticas et fiscales*, which date from the end of the reign of Charlemagne or the beginning of that of Louis the Pious (A. Boretius, *Capitularia regum francorum*, i, no. 128). The polyptychs of St. Bertin's, Lobbes and St. Amand's and *descriptio* 5 of that of St. Peter's of Ghent belong to the class of 'summary' polyptychs, while that of Prüm and *descriptio* 3-4 of Ghent belong to the class of 'detailed' polyptychs; cf. C. H. Taylor, 'Note on the origin of polyptychs', *Mélanges d'histoire offerts à Henri Pirenne* (Brussels, 1926), ii. 476-7.

² Halkin and Roland, *op. cit.*, i, no. 34.

³ E. de Moreau, *Histoire de l'Eglise en Belgique*, i (2nd edn., Brussels, 1947), pp. 210 ff.

⁴ Guérard, *Saint-Bertin*, pp. 65 ff.; Fayen, *op. cit.*, nos. 7-9, 11-25, 26-41; Wampach, *op. cit.*, I. ii, nos. 45 ff.

do not occur after the reign of Louis the Pious, and in any case they are certainly smaller than in the seventh and early eighth centuries. We may note also that many of these gifts involve the regrant to the donor of the same property on precarial tenure, or sometimes the granting to the donor of the estate he has just given and another estate as well. There are many examples of this at St. Bertin's and at Ghent, as well as at Stavelot-Malmédy and Echternach.¹ Such a proceeding deprived the Church of any real possession of the estate during the lifetime of the donor and often during that of other members of his family, besides making its recovery in the future a rather uncertain matter.

It is possible at this period to form some idea of the extent of the landed possessions of certain churches. The estates reserved in 844-59 for the upkeep of the monastic community at St. Bertin's were twelve in number, besides some minor properties; the total area may be estimated at about 25,300 acres. This seems a high enough figure, but it includes only the *mensa conventualis*. The total landed wealth of St. Bertin's comprised in addition the *mensa abbatialis*, the endowment of various services, and estates granted in benefice or on precarial tenure; these last, however, were not effectively under the control of the abbey. Other religious foundations appear to have been still richer. In the case of Lobbes, an inventory drawn up towards 868-9 shows, if it is to be taken literally, that the abbey was then in possession of 127 or 184 manors. Even if one accepts the lower figure, and even if, as is possible, the manors in question were not always entire, it is clear that the total endowment of the abbey was very large. Other monasteries were much poorer; in the case of St. Peter's of Ghent, for example, we only know that it possessed three complete manors in the ninth century, although it had in addition a number of fractions of manors and other landed property.² It would be a simple matter to expand this list of ecclesiastical endowments, whose composition is known either in whole or in part. In the case of the

¹ Guérard, *op. cit.*, lib. i, nos. 47, 52, 54; lib. ii, nos. 40, 43, 45, 62, 65; A. Van Lokeren, *Chartes et documents de l'abbaye de Saint-Pierre à Gand*, i (Ghent, 1868), no. 11; Halkin and Roland, *op. cit.*, i, nos. 28, 30, 40; Wampach, *op. cit.*, I. ii, nos. 90, 108, 140, 141, 147-50, 154.

² St. Bertin's: Guérard, *op. cit.*, pp. 97 ff. (cf. H. van Werveke, 'De bevolkingsdichtheid in de IX^e eeuw: poging tot schatting', *Annales du XXX^e Congrès de la fédération archéologique et historique de Belgique* (Brussels, 1935), p. 112).—Lobbes: J. Warichez, *L'abbaye de Lobbes* (Tournai, 1912), pp. 180-95 (the number of estates is given differently in the two surviving copies of this list).—Ghent: Fayen, *op. cit.*, nos. 2-5, 7-9, 11-25, 26-41, 59.—For the basis of conversion used in these calculations, see below, p. 43, n. 2.

lay aristocracy, we are much less satisfactorily informed. But we know something in at least one case, that of Eberhard, marquis of Friuli (*ob.* 864). He owned in the Low Countries, in addition to the four *fisci* or former royal estates of Annappes, Cysoing, Somain-en-Ostrevant and Vitry-en-Artois, the three first of which corresponded in area to either two or three modern communes, a dozen other manors or similar units, to say nothing of property situated in Italy, Swabia, and perhaps on the Seine.¹ But the great majority of fortunes of the nobility must have been smaller than that of this great magnate, son-in-law of Louis the Pious.

Sometimes the possessions of a church were mainly situated in its own neighbourhood, though there might be a few more distant estates and occasionally one or more 'domaines excen-triques', lying very far away indeed. The endowment of St. Bertin's was of this type. The main block of its estates was situated, like the abbey itself, on the frontier between the Flemish plain and the hills of Artois and amongst these hills themselves. A few estates were further afield, in the Belgian province of West Flanders and in Cambrésis and Ponthieu. The remotest possessions are represented by vineyards in the region of the Oise and Vermandois.² A more developed case of *Streubesitz* is provided by St. Amand's, on the Scarpe; in addition to the estates situated like the abbey itself in Pévèle, the part of its endowment which was set aside for the upkeep of the community was in 847 scattered over Brabant, Hainault, Ostrevant, Mompiscus, Flanders and Courtraisis, to say nothing of vineyards in Laonnois.³ But the extreme case of dispersion is that of Nivelles, where the endowment of the *mensa conventualis* in 877 was divided between Brabant, where the abbey itself was situated, the Wormsgau, the middle Rhineland (vineyards), Laonnois, Toxandria, Friesland, and the Avalgau (on the right bank of the Rhine east of Bonn; vineyards).⁴

¹ I. de Cousse-maker, *Cartulaire de l'abbaye de Cysoing*, i (Lille, 1886), no. 1; cf. P. Grierson, 'La maison d'Evrard de Frioul et les origines du comté de Flandre', *Revue du Nord*, xxiv (1938), pp. 241 ff., and 'The identity of the unnamed fisci in the "Brevium exempla ad describendas res ecclesiasticas et fiscales"', *Revue belge de Philologie et d'Histoire*, xviii (1939), pp. 437-61. These four fisci are described in the third part of the *Brevium exempla*. On their size, see also F. Lot, 'La grandeur des fisci à l'époque carolingienne', *Rev. belge de Phil. et d'Hist.*, iii (1924).

² Guérard, *op. cit.*, esp. the *Breviatio* or polyptych of Abbot Adalard on pp. 97 ff., but also the texts cited above, p. 30, n. 1, and *lib. ii*, no. 56. Cf. H. Van Werveke, *art. cit.*, p. 109, and 'Comment les établissements religieux belges se procuraient-ils du vin au moyen âge?', *Rev. belge de Phil. et d'Hist.*, ii (1923), p. 645.

³ A. Giry, M. Prou, F. Lot and G. Tessier, *Actes de Charles le Chauve*, (Paris, 1943), no. 92; cf. Van Werveke, *art. cit.*, p. 646.

⁴ Bouquet, *Rec. hist. France*, viii. 666; cf. Van Werveke, *art. cit.*, p. 648.

An examination of the landed wealth of two important members of the lay aristocracy provides similar examples. Eberhard of Friuli possessed estates in Mélantois, Ostrevant, Artois, Tournaisis, Hesbaye, Condruz, Toxandria and in the *pagus Moïla*, to say nothing of his possessions in Swabia and Italy and perhaps in Neustria. Erlebold, count of the *pagus Castricius* on the upper Meuse, was in 887 owner of a mass of estates dispersed over south-eastern Hainault, Laonnois, and Porcien, north of Rheims.¹

It is sometimes thought that the Carolingian period saw the clearing of large areas of woodland in the regions with which we are concerned, but this does not appear to have been the case.² No doubt a certain amount of clearing was done, but it was a case of 'home' clearing, undertaken actually on the estate or in the village or in their immediate neighbourhood. Clearing of this sort was a feature of normal agricultural life.³ When we hear of assarting on the estates of Stavelot-Malmédy, on the neighbouring royal fisc of Theux or on the estates of St. Monegonde's of Chimay situated in the wooded region of south-eastern Hainault, it is clearly operations of this kind which are in question.⁴ But we have no evidence for the undertaking of systematic clearing of entire regions of wood or heath. Only towards the end of the period with which we are dealing did such enterprises become possible through the abandonment by the king to religious foundations of his hunting rights (*forestis*) in certain forests; the case of the fisc of Theux, whose grant in 898 to the church of Liège was followed in 915 by the abandonment of the *forestis* to the same church, is quite characteristic.⁵ But the actual clearance could only begin in the next century.

In certain regions new land for cultivation might be won from the water. The water meadows (*marisci*) which were employed as pasture for sheep or cattle (*bercariae*, *vaccariae*).

¹ Eberhard of Friuli: see above, p. 37, n. 1.—Erlebold: J. Dhondt, 'Note sur l'acte de fondation de Sainte-Monégonde de Chimay', *Bull. comm. roy. d'hist.*, cvii (1942), pp. 332-3.

² In general, see L. Halphen, *Études critiques sur l'histoire de Charlemagne* (Paris, 1921), pp. 240-5.

³ See for example the prescriptions of the *Capitulaire de Villis* (Boretius, *op. cit.*, i, no. 32), c. 36, and of the Capitulary of Aachen of 802-13 (*ibid.*, no. 77), c. 19.

⁴ Halkin and Roland, *op. cit.*, i, no. 29 (a. 827); Dhondt, *art. cit.*, p. 332 (a. 887).

⁵ S. Bormans and E. Schoolmeesters, *Cartulaire de l'église Saint-Lambert de Liège*, i (Brussels, 1893), no. 6; P. Lauer, *Recueil des actes de Charles III le Simple*, i (Paris, 1940), no. 81. Cf. E. Fairon, 'Les donations de forêts aux X^e et XI^e siècles en Lotharingie et en Allemagne', *Rev. belge de Phil. et d'Hist.*, iv (1925), pp. 91-2, 105.

and which are mentioned in many texts referring to the *pagi* of Flanders and Aardenburg next the sea, were created on such reclaimed land.¹ Possibly certain 'kampen'—blocks of cultivated land cut out from the woods—in the region of the Ysel and in Twente date from the Carolingian period.²

The evidence at our disposal does not permit us to draw too precise a picture of the types of cultivation which existed in the Low Countries at the Carolingian period. The existence of individual peasant farming, independent of a manorial organization, may be regarded as an established fact, but virtually nothing is known about it.³ The only type of cultivation regarding which we have precise information is the *villa*, the bipartite estate whose general lines we have described for the Merovingian period. It is found throughout the whole of the southern part of the region with which we are concerned: in Artois and the neighbouring *pagi*, in Hainault, Condroz, the Ardennes, the region of the Moselle, as well as further north, in the plain of Flanders, Brabant, and Toxandria. Further still to the north, in Teisterbant, Hamaland, the *pagus Fletheti* and even in the northern part of Twente⁴ it is also found, but here it is still relatively uncommon and appears to have been recently introduced, so that its character is less clearly defined.⁵

¹ Warichez, 'Descriptio', p. 260; Fayen, *op. cit.*, nos. 2, 4, 12, 36, 41.

² B. H. Slicher van Bath, *Mensch en land in de Middeleeuwen*, ii (Assen, 1944), pp. 14-17; J. F. Niermeyer, *De wording van onze huishouding* (The Hague, 1946), pp. 27-8.

³ This seems to have been shown by Slicher van Bath (*op. cit.*, ii, 148-77, 222-5) to have been the case in the eastern part of the modern kingdom of the Netherlands, and it was no doubt the same in other regions as well.

⁴ Teisterbant: between the Lek and the Maas; Hamaland: the region of the upper IJssel around Deventer; *Fletheti*: between the modern Zuiderzee and the Rhine, in the neighbourhood of Utrecht; Twente: between IJssel and Vecht.

⁵ Artois and neighbouring *pagi*: Guérard, *op. cit.*, pp. 97 ff. (*Breviatio*); charters of St. Amand's in Bouquet, vi. 530 (a. 822) and *Actes de Charles le Chauve*, i, no. 92 (a. 847).—Hainault: Warichez, *op. cit.*, *passim*; Fayen, *op. cit.*, no. 5; Dhondt, *art. cit.*, p. 332; Bouquet, vi. 530; *Actes de Charles le Chauve*, i, no. 92.—Condroz and Ardennes: Halkin and Roland, *op. cit.*, i, nos. 23, 27, 34, 35; *MGH, Dipl. reg. Germ.*, ii, no. 64; iii, no. 94; Beyer, *op. cit.*, i, no. 135 (polyptych of Prüm), cc. xlv-xlvi.—Region of the Moselle: Wampach, *op. cit.*, I. ii, nos. 71, 80, 93, 97, 112, 140, 141, 143, 148, 150, 156.—Brabant: P. Bonenfant, 'La notice de donation du domaine de Leeuw à l'église de Cologne et le problème de la colonisation saxonne en Brabant', *Rev. belge de Phil. et d'hist.*, xiv (1935); Fayen, *op. cit.*, no. 53; Warichez, *op. cit.*, pp. 257-60; Bouquet, vi. 530; *Actes de Charles le Chauve*, i, no. 92; Bouquet, viii, 587-8 (a. 863).—Plain of Flanders: Guérard, *op. cit.*, p. 102; Fayen, *op. cit.*, nos. 3, 4, 5, 8, 27, 28; Bouquet, vi. 530; *Actes de Charles le Chauve*, i, no. 92; Bouquet, viii. 603-4 (a. 867), 632 (a. 871).—Toxandria: Wampach, *op. cit.*, I. ii, nos. 84, 91, 145.—Teisterbant: S. Muller, *Oorkondenboek van het Sticht Utrecht*, i (Utrecht, 1925), no. 67.—Hamaland: *ibid.*, nos. 51, 52; Guérard, *op. cit.*, p. 125.—*Fletheti*: Muller, *op. cit.*, i, no. 69.—Twente: *ibid.*, nos. 51, 52.

The bipartite manor shows now some signs of variation. Side by side with the classical *villa* which will be studied further on, we also find estates which are described as *villae*, but which are simple and no doubt recent groupings of small or medium-sized bipartite manors and other landed entities. It is probable that we have here to do with a stage in the formation of the classical *villa*, a stage elsewhere long since superseded, sometimes by several centuries.¹ A *villa* of this type is Moringhem, in Artois, a possession of St. Bertin's. Analogous cases can be found in the region of the Seine and the Loire, in particular among the estates of Saint-Germain-des-Prés.² There is also at least one case of a classical *villa* of exceptionally vast dimensions situated in wooded country: the estate of Sint-Pieters-Leeuw in Brabant, given in the ninth century to the church of Cologne, which had the prodigious area of 46,500 acres. It presumably had been formed by the union of two or three *villae*, together with other landed elements and fields won from the woods.³

The *fisci* in the Low Countries seem to have been fairly numerous. Some of them remained the property of the Crown, while others had passed into ecclesiastical or lay hands. They were always very great estates. We have already seen something of those which were situated in Artois and southern Flanders and had become the property of Eberhard of Friuli. Among the *fisci* in the region here under consideration, there is at least one which corresponds closely to the type envisaged by Charlemagne in his ordinance on the royal domain, the *Capitulare de villis*. It consisted of a chief manor (*villa capitanea, caput fisci*) to which were subordinated other manors, also of the classical type but rather smaller (*mansioniles*). A description of it served as a model which Charlemagne or Louis the Pious distributed to the missi charged with making an inventory of the royal domain. The *caput fisci* was Annappes, in Mélantois, with an area of 5,157 acres; the three dependent *villae* were Gruson (777 acres), Noyelles-lez-Seclin (595 acres) and Wattiesart (between 500 and 750 acres).

¹ This has been noted by A. Déléage, *La vie rurale en Bourgogne jusqu'au début du XI^e siècle*, i (Mâcon, 1941), pp. 433-41 and 447.

² Moringhem (dép. Pas-de-Calais): Guérard, *op. cit.*, p. 98; cf. Van Werveke, 'Bevolkingsdichtheid', p. 110.—Seine and Loire: Guérard, *Polyptyque de l'abbé Irminon*, ii, nos. IX (*Breve de Villamilt*: Villemeux, dép. Eure-et-Loir), XII (*Breve de centena Corbonensi*: Corbon; dép. Orne).

³ This is the view of P. Bonenfant, *art. cit.*, pp. 783-4. Although our account of the estate does not appear to be earlier than the first years of the eleventh century, the general features of the description of its structure seem to be derived from a much older document. The size is calculated by B. Delanne, 'Contributions', p. 42.

Another case is the royal manor of Tournai, which was *caput fisci* to at least two dependent *villae*, one of which was Marquain. Still another case was the *villa* of Salles, in south-eastern Hainault, a *fiscus* to which Bailièvre, *Gardineiae*, Ployes, Monceau and Imbrechies were attached as subordinate manors (*villulae*). This organization might be maintained, as we have seen, when a *fiscus* passed into the possession of the Church or of a member of the aristocracy.¹ *Fisci* which remained in the king's hands might in their turn make part of a larger administrative grouping, under the control of a single official. The neighbouring *fisci* of Annappes with its appendages, Vitry-en-Artois, Cysoing, and Somain-en-Ostrevant were united in such a grouping to Triel, on the Seine, which was specialised as a vineyard, in the time of Charlemagne or Louis the Pious.²

Fractions of estates created by partitions between heirs are certainly no less frequent than in the preceding period. We find them in the hands of laity, or in the hands of some church as the result of gifts or sales. In the latter case, it frequently happens that these fractions are united to neighbouring *villae* in the interests of good administration.³ But this union did not necessarily take place, or at least not at once, for some of these fractions of manors might maintain their autonomy within the complex of property of which they formed a part. Such a *portio* might consist of a demesne with some holdings, or of demesne or holdings alone; the texts are not always very precise. Cases of this sort occur everywhere; they are very numerous among the possessions of St. Peter's of Ghent, St. Bertin's, Stavelot-Malmédy and Echternach.⁴

The classical *villa* varied greatly in size. In some cases it

¹ *Caput fisci*: see above, p. 37, n. 1; *Cap. de Villis* (Boretius, *Capitularia*, i, no. 32), c. 19.—Annappes: *Brevium exempla* (*ibid.*, no. 128), cc. 25 sqq.; identification and areas in Grierson, 'Unnamed fises'.—Tournai: C. Duvivier, *Actes et documents anciens intéressant la Belgique*, i (Brussels, 1898), no. 3 (a. 884-98/9); Lauer, *op. cit.*, no. 2 (a. 898/9); cf. H. Pirenne, 'Le fisc royal de Tournai', *Mélanges d'hist. du moyen âge offerts à M.F. Lot* (Paris, 1925); P. Rolland, *Les origines de la commune de Tournai* (Brussels, 1931), pp. 27-34.—Salles: Dhondt, *art. cit.*, p. 332.—One could easily add to these examples; F. Rousseau, *op. cit.*, pp. 221-43, gives some instances for the region of the Meuse, but they are to some extent reconstructions.

² Grierson, *art. cit.*; J. Vannérus, 'Une énigme toponymique, Treola', *Bull. de la comm. roy. de Toponymie et Dialectologie*, xxii (1948). Triel: dép. Seine-et-Oise, arr. Versailles, cant. Poissy.

³ First type: see below, p. 49. Second type: see above, p. 40 (Moringhem).

⁴ Fayen, *op. cit.*, nos. 7, 8, 9, 11, 14; Guérard, *op. cit.*, pp. 97-103 (nos. xvii, xviii, xx, xxiii, xxviii); Halkin and Roland, *op. cit.*, i, no. 23 (*Wandelaicus mansus*, probably demesne), 27, 28, 34, 35; *Dipl. reg. Germ.*, iii, no. 94; Wampach, *op. cit.*, I, ii, nos. 71, 80, 110, 141, 143.

corresponded to a modern rural commune,¹ or was the equivalent of two, or more rarely of three, of these. But this correspondence cannot be regarded as a general rule. Even among ecclesiastical estates, a *villa*, however old it might be, might well be less extensive. The estate on which St. Peter's of Ghent was built, and which had been the property of the abbey since the seventh century and was without doubt an ancient royal *villa*, was in the ninth century (between c. 820 and 879) scarcely larger than 1,125 acres. This is much smaller than the average rural commune in the region of Ghent.² There also existed very small manors, composed of a *demesne* and three, four or five holdings; these were termed *villulae*. The small manor of Ruminghem, of 252 acres, which belonged to St. Bertin's, is an example.³ The present state of our knowledge does not justify us in assuming that large, middle-sized or small estates were characteristic of particular regions. Wherever information is relatively abundant, whether in Artois or Hainault or the plain of Flanders, we find considerable variation in the size of manors.⁴

Let us now study the two elements of the classical *villa* in the Low Countries in the Carolingian period.

The *demesne* (*terra indominicata* or *dominicata*, *mansus indominicatus*, *terra salica*, *terra salaricia*, *selihova*) consisted of a centre of cultivation with various outbuildings (*curtis*, *casa indominicata cum aliis castitiis*), together with a variable amount of land. The latter consisted principally of arable land (*terra arabilis*), that is to say fields of which certain were grouped into quite large units and generally were all in one block. They were known as *culturae*, whence the modern

¹ For Annappes and the other manors of the same region described in the *Brevium exempla*: Grierson, *art. cit.* For manors of St. Bertin's: Van Werveke, *art. cit.*, pp. 112-13.

² F. L. Ganshof, 'Le domaine gantois de l'abbaye of Saint-Pierre-au-Mont-Blandin à l'époque carolingienne', *Rev. belge de Phil. et d'Hist.*, xxvi (1948).

³ Wampach, *op. cit.*, I. ii, nos. 140, 141 (Moselle region); Halkin and Roland, *op. cit.*, i, no. 27 (Condroz); Guérard, *op. cit.*, p. 101 (St. Bertin's).

⁴ Artois: tabular analysis of the estates of St. Bertin's in Van Werveke, *art. cit.*, pp. 112-13.—Plain of Flanders: the estate of St. Peter's of Ghent (1,125 acres); Tielrode, north of Ghent, a possession of Lobbes (at least 1,100 acres); Roulers, a possession of St. Amand's (more than 3,245 acres, not including the *demesne*: Bouquet, vi. 530-1); Poperinge, a possession of St. Bertin's (5,535 acres: Guérard, *op. cit.*, p. 102). The estimates for Tielrode and Roulers are on the conservative side, for I have calculated on the assumption that the *mansus* was only 11 hectares, while in this region it was certainly larger.—Hainault: table of the estates in Hainault of Lobbes in 866 given by L. Génicot, *L'économie rurale namuroise au bas moyen âge* (Namur, 1943), p. 31.

Dutch word 'kouter', and the French 'couture', both of which are common elements in place names.¹ These *culturae*, about which more is known than about other lands sometimes forming part of the demesne, varied a good deal in size.² The estate of the abbey of Prüm at Villance in the Ardennes included seven *culturae* with a total area of at least 1,087 acres, while the neighbouring estate of Mabompré had fifteen *culturae* with a total area of only 477 acres. The estate of St. Bertin's at Coyecques in Artois comprised only 510 acres of arable land, and in general the average area of the fields of the demesne in other *villae* belonging to St. Bertin's in the same region was of the same order of magnitude. In the case of Lobbes, the variation in size of the *culturae* on its estates in Hainault is even more considerable; Ragnies had 1,125 acres, Leernes 480 acres, and Ladeuze 95 acres. Maire, a manor of St. Amand's situated to the west of Tournai, had also only 95 acres. At Ghent, the only *cultura* of St. Peter's was not much larger than 62 acres. At Bousignies (France, dép. Nord), an estate of St. Amand's situated not far from the abbey, the arable area of the demesne was only 35 acres.³ It seems only reasonable to assume that some of the very great *culturae* were created by the systematic union of fields which had originally been separate and which sometimes may even have formed parts of different estates.⁴

The demesne always included pastures or meadows (*pratum*), which served for the grazing of cattle and for hay-making. Here again, the area was sometimes large and sometimes small;

¹ On the survival of the word *cultura* in the Low Countries, see Génicot, *op. cit.*, pp. 94 ff., and J. Lindemans, 'Toponymische verschijnselen op kaart gebracht: II. Kouter', *Bull. de la comm. roy. de Toponymie et de Dialectologie*, xiv (1940).

² The figures which follow are intended to do no more than indicate orders of magnitude. Fractions of less than a hectare and an acre have been omitted from the initial and final stages of the calculations. The *bonnier* has been taken as 1.28 hectares, the figure arrived at by Guérard (*Polyptyque de l'abbé Irminon*, i. 169-79); that of 1.38, given by P. Guilhiermoz ('De l'équivalence des anciennes mesures', *Bibl. de l'Ecole des Chartes*, lxxiv (1913), p. 306), would give slightly higher results. The relatively small gap between the figures arrived at by these two scholars, using entirely different methods, is reassuring. For areas reckoned in terms of the number of *modii* of seed required for proper sowing (*modiata*), we have assumed that one *modius* would be needed for 0.65 acre, which is that suggested by the figures in the polyptych of St. Amand's (Guérard, *op. cit.*, i. 925-6). The acre is reckoned as 0.40 hectare.

³ Villance and Mabompré: Beyer, *op. cit.*, i, no. 135 (xlv and xlvii), pp. 166, 170; for the two first *culturae* of Villance we have assumed 300 *modiatae* per *cultura*, which is a low estimate.—Coyecques: Guérard, *Saint-Bertin*, p. 101.—Ragnies, Leernes, Ladeuze: Warichez, *op. cit.*, pp. 251, 255, 257.—Maire: Guérard, *Irminon*, p. 925.—Ghent: Fayen, *op. cit.*, no. 3; cf. Ganshof, *art. cit.*—Bousignies: Guérard, *Irminon*, p. 925.

⁴ This is the view of Déleage, *op. cit.*, i. 452.

there were 127 acres of meadow at Coyecques and only 7 at Leernes, although the cultivated area of the demesne in these two estates amounted to 510 and 480 acres respectively. In most of the demesnes there was a wood (*silva*), from which the polyptychs sometimes distinguish the underwood (*silva minuta*).¹ It was used not only for a supply of wood and firing, but for the upkeep of bees and swine, the latter particularly when the wood consisted of oaks. The swine were sometimes very numerous; the *eekhout* (oak-wood) of Ghent could provide for 50, the wood of Leernes for 100, that of Villance for 1,000. Naturally the size of the woods depended on the nature of the soil. The manor of Villance, situated in the Ardennes, had some 850 acres of wood as against about 85 at Leernes and about 42 at Ghent.² In addition to the woods, the demesne might include other uncultivated ground, such as heath, stretches of poor soil, fenland, derelict fields, etc.³ These served as occasional pasture for cattle.

The demesne might also include vineyards. These were naturally most frequent in the *villae* in wine-growing country such as the valleys of the Moselle and the rivers running into it, but in Carolingian times the vine was cultivated in parts of the Low Countries from which it has since disappeared; at Ghent, for example, there were vineyards on the slopes of Mont Blandin. Many churches and abbeys, however, went to some trouble to acquire vineyards in regions climatically more favourable to the production of wines of better quality.⁴ The demesne often included a mill (*molendinum*), a malting house (*bratsina*), or a brewery (*camba*), either attached to the manor farm itself or more often granted out to a tenant. We hear of them in the *Brevium exempla* and in some of the polyptychs. The description of the *villa* in many documents begins by the mention of a church (*ecclesia*, *capella*), which must nearly always have been an 'Eigenkirche' belonging to

¹ E.g. Guérard, *Saint-Bertin*, p. 100 (no. xxiv); *Irminon*, p. 925 (estate of St. Amand's).

² Bees: e.g. Warichez, *op. cit.*, pp. 250, 255.—Swine: I have assumed a normal relation of 100 pigs to 85 hectares, as on the manor of St. Bertin's of Poperinge (Guérard, *op. cit.*, p. 102), but simply to indicate roughly the order of magnitude involved.

³ E.g. Guérard, *Saint-Bertin*, p. 99 (Acquin: 'de pastura inculta, bunaria 1'); Fayen, *op. cit.*, nos. 3 (Ghent: 'de terra ad avinam seminandum in anno tercio'), 14 (Brakel, hamlet of Sint-Martens-Latem: 'mariscum ad fenum colligendum'), 7, 8, 9, 41 ('wadriscampi, muruscapi'); Beyer, *op. cit.*, i, no. 135, p. 173 (Bastogne: 'deserta').

⁴ E.g. Wampach, *op. cit.*, I. ii, no. 141; Fayen, *op. cit.*, no. 2. Cf. J. Halkin, 'Etude historique sur la culture de la vigne en Belgique', *Bull. de la Soc. d'art et d'Hist. du dioc. de Liège*, ix (1895), and Van Werveke, 'Vin' (above, p. 37, n. 2).

the ecclesiastical or lay owner of the estate. This church would have a landed endowment which, by a capitulary of Louis the Pious, should have amounted at least to a *mansus*, no doubt of 12 *bonniers*. In actual fact, the size of the endowment varied: 12 or 18 *bonniers* and in one case 8 *bonniers* and one *journal* on the estates of St. Bertin's, $\frac{3}{4}$ of a *mansus* or 13 *journaux* in those of Prüm, 3-5 *mansu* in those of Lobbes.¹ Although they did not necessarily form one block, the various elements of the demesne were as a rule grouped together. There are, however, examples of dispersion; some of the 15 *culturæ* of the estate of Prüm at Mabompré were a considerable distance from each other, no doubt for physical reasons, since the region was thickly wooded. The meadows of the estate of Zegelsem seem to have been some way from the centre of the demesne. This is perhaps to be explained by the circumstances in which the estate had been built up, apparently through the union of isolated elements acquired in that region by the abbey of Lobbes.²

The other half of the *villa* consisted of the complex of holdings, which are generally termed *terra mansionaria* from the fact that the unit of holding was the *mansus* (sometimes *mansum*, *mansionile* or *hoba*, the latter being the Latinized form of a Frankish word). The *mansus* was not a fixed area. In the region of Paris, where it has been most closely studied, it had an average size of 27 acres (11 hectares), but from one estate to the other and even within the same estate considerable variations are found.³ In the region with which we are concerned, the *mansus* was generally rather larger. The majority of the *mansu* in the *villae* of St. Bertin's situated in Artois

¹ *Capit. ecclesiasticum* of 818/19 (Boretius, *Capitularia*, i, no. 138), c. 10, and *Hincmari capitula*, ii, inquis. 2 (in Migne, *Patrologia latina*, cxxv. 777).—St. Bertin's: Guérard, *op. cit.*, pp. 97, 101, 102, 105, 106.—Prüm: Beyer, *op. cit.*, i. 171, 173.—Lobbes: Warichez, *op. cit.*, pp. 252, 255.

² Mabompré: Beyer, *op. cit.*, i. 170 (no. 135) and the commentary (not entirely trustworthy) of Déléage (*op. cit.*, i. 471-4) on the *culturæ* of Villance, Mabompré and Tavigny. One of the *culturæ* of Mabompré was at Noville, the modern commune of Noville-lez-Bastogne, contiguous with Mabompré, which already seems to have formed a parish at the period of the polyptych.—Zegelsem: Warichez, *op. cit.*, p. 258. The meadows of the demesne were at Op- or Nederbrakel, a modern commune adjoining that of Zeg.

³ *Terra mansionaria*: Wampach, *op. cit.*, I. ii, no. 159.—*Mansus*: O. Tulippe, 'Le manse à l'époque carolingienne', *Ann. de la Soc. scientifique de Bruxelles, Section des sciences économiques*, lvi (1936), p. 246; C. E. Perrin, 'Observations sur le manse dans la région parisienne au début du IX^e siècle', *Ann. d'hist. sociale*, viii (1945), especially pp. 41, 44. On the *mansus* in general, see Marc Bloch, 'The rise of dependent cultivation and seigniorial institutions', *Cambridge Economic History*, i (1942), pp. 265-9.

were of 12 or less often 10 *bonniers*, which would be 37 or 30 acres; sometimes also one meets *mansi* of 11, 9, 8 or 7 *bonniers*. The *mansi* belonging to the same abbey in what was later to be the county of Flanders were still larger; at Poperinge we find 10 *mansi* of 24 *bonniers* (75 acres), 10 of 20 (62 acres), 10 of 15 (47 acres), 17 of 13 (42 acres). The *mansus* at Passchendale consisted of 20 *bonniers*. In the Ghent estate of the abbey of St. Peter, the *mansi* appear to have had an area of about 35 acres. In Brabant we hear of *mansi* of 12 *bonniers* (37 acres). It has been calculated that the size of the *mansus* on the estates of Lobbes in Hainault varied between 12 and 30 *bonniers* (37 and 95 acres). Uniformity in size of the *mansus* within the same domain appears decidedly commoner, however, than in the region of Paris. If the variations in size between the *mansi* on a single estate in the latter region may be taken as a sign that the break-up of the *mansus* had already begun, it is clear that this process had not gone nearly so far in the future Low Countries.¹

The normal *mansus* is frequently called a *mansus ingenuilis*, since originally it had been occupied by a man regarded as free, often a *colonus*, but when a *mansus* made part of, or had made part of, a royal domain it might be called *mansus fiscalis*.² There were also *mansi* smaller than the normal free *mansi*; they are termed *manselli*.³ Some *mansi* had been created for the *laeti* (i.e., half-free persons of Germanic origin, often descended from freedmen), or for slaves or serfs, whence their name (*mansus ledilis*, *mansus servilis*). They were almost always less numerous than the free *mansi*, at least in the larger estates; in small estates they were sometimes about equal in numbers, and examples are known of estates where there were only servile *mansi*.⁴ There was in the ninth century no

¹ St. Bertin's: calculations based on the polyptych.—Ghent: Ganshof, *art. cit.*—Brabant, estates of St. Amand's: Bouquet, viii. 587 (a. 863); and G. Des Marez, 'Note sur le manse brabançon au moyen âge', *Mélanges* . . . Pirenne, i (but based on later material).—Lobbes: Génicot, *op. cit.*, p. 30.—On the estates of Saint-Germain-des-Prés in the Paris region, see Perrin, *op. cit.*, pp. 41 ff., and especially the table on p. 52.

² *Dipl. regum Germ.*, iii, no. 94; Dhondt, *art. cit.*, p. 332. Cf. C. E. Perrin, *Essai sur la fortune immobilière de l'abbaye alsacienne de Marmoutier au X^e et au XI^e siècles* (Strasbourg, 1935), p. 72.

³ E.g. Warichez, *op. cit.*, pp. 255-6.

⁴ Unspecified estate of St. Amand's: 27 free *mansi*, 1 servile *mansus* (Guérard, *Irminon*, i. 926).—Lobbes: Ragnies, 44½ free, 6 servile; Thuillies, 23 free, 2 servile; Leernes, 36 free, 4 'lidile', 4 servile; Saintes, 18 free, 8 servile; Ladeuze, 17 free, 3 servile; Biesmerée, 18 free, 1 servile (Warichez, *op. cit.*, pp. 251, 252, 255, 257, 258, 262).—Stavelot-Malmédy: Halkin and Roland, *op. cit.*, i, no. 27 (2 free, 2 servile); *Dipl. regum Germ.*, ii, no. 64 (*fisculus* of Blandef, prov. Liège, comm. Louveigné: 32 free, 12 servile).—Echternach: Wampach, *op. cit.*, I. ii, nos. 141 (1 free, 2 servile, to which are

necessary correspondence between the status of the tenant and that of his holding.¹

The *mansus* was not necessarily occupied by one tenant and his family, and on some estates we find evidence of overpopulation, *mansî* being occupied by more than a single household.² There are also cases of divided *mansî*—half- and quarter-*mansî*.³ This does not necessarily imply the subdivision of an already existing *mansus*; it may only be the case of a holding unusually small in size owing to the fact that at a particular moment and in a particular place there was no opportunity of establishing a complete *mansus*. This assumption would explain the frequency of half- and quarter-*mansî* in the wooded regions of the Ardennes and Condroz where Prüm possessed estates; it would also explain the existence of an isolated half-*mansus* on many estates of Lobbes and St. Bertin's. It is clear, however, that overpopulation and division of the *mansus* were less frequent in these regions than in the country of the Seine and the Loire.⁴ On some estates we hear of *mansî* being temporarily unoccupied; in such cases the ground would presumably remain derelict until the *mansus* in question was granted to a new tenant. Many polyptychs give figures of *mansî vestiti* and *mansî absi*, and charters of donation frequently make the same distinction.⁵

Little information is available regarding the structure of

added 2 free and 1 servile), 143 (4 free, 1 servile).—Prüm: Beyer, *op. cit.*, i, no. 135, pp. 169, 171 (Villance: 44 $\frac{3}{4}$ free, 7 servile, 2 'journaux'; Mabompré: 16 free, 4 servile).—Estates of the church of Cologne in Brabant: Bonenfant, *art. cit.*, p. 809 (only 7 servile *mansî* in the whole immense domain).

¹ This is shown, for example, by the fact that, on the estates of St. Bertin's, *servi* and *ancillae* as well as *ingenui* and *ingenuae* occupy *mansî* of the same type which are certainly free; see the various *descriptiões* in the *Breviatio* (Guérard, *op. cit.*, pp. 97 ff.).

² Prüm: Villance (Beyer, *op. cit.*, i, no. 135, pp. 167–9) and Mabompré (*ibid.*, p. 171).—St. Amand's: Nivelles, dép Nord (Bouquet, viii. 588).—On the manor of St. Peter's at Ghent and on the *villa* of Prüm at Tavigny (Beyer, *op. cit.*, i. 172) the *mansî* are all each occupied by a single family. For St. Bertin's and Lobbes, the evidence of the sources is insufficient, but in the first case at least the phenomenon of overpopulation does not seem to have been unknown.

³ St. Bertin's: Guérard, *op. cit.*, pp. 97, 99, 100, 101, 102.—Lobbes: Warichez, *op. cit.*, pp. 251, 253, 263.—Prüm: Beyer, *op. cit.*, i. 166–72 (no. 135).—Brabant, manor of Leeuw: Bonenfant, *art. cit.*, p. 809 (if this instance dates from the ninth century).—At Ghent, and in the four manors of St. Amand's whose description is preserved in the polyptych, the divided *mansus* is not found.

⁴ Isolated half-*mansus*: Lobbes: Ragnies, Trahegnies, Castillon, Biercée (Warichez, *op. cit.*, pp. 251, 253, 263, 266); St. Bertin's: Quelmes, Acquin, Bainghen, Ruminghem, Poperinge (Guérard, *op. cit.*, pp. 97–102).—Example of a clearly subdivided *mansus*: Warichez, *op. cit.*, p. 262.—Region of Seine and Loire: Bloch, *op. cit.*, pp. 266–7; Perrin, *observ.*, pp. 41–2, 46–8.

⁵ Polyptychs of Lobbes and Prüm, *passim*; for Echternach: Wampach, *op. cit.*, I. i, 428–9.

the *terra mansionaria*, but in a few cases our sources tell us something. On the estate of Villance in the Ardennes belonging to the abbey of Prüm, only the demesne was situated in the modern commune, while the *mansi* and their fractions were distributed over what are to-day several communes. At Ghent, the *villa* proper of St. Peter's had five *mansi* in the immediate neighbourhood of the abbey, while the twenty others were grouped together some distance away at Aygem. There might be either dispersion or concentration, or something in between.¹

There was no fixed relationship between the area of the *terra mansionaria* and that of the *terra indominicata*. Among the estates of St. Bertin's, for example, we find at Coyecques a demesne of 750 acres more or less balancing the *mansi* with a total area of 670 acres, while at Poperinge the demesne of 1785 acres (not including meadowland) was much smaller than the *mansi*, which amounted to 2,595 acres. At Ghent, the superiority of the *mansi* is still more marked: 900 acres, as against 225 in the demesne. For the estates of Lobbes in Hainault, it has been calculated that the demesne (without the woods, only the fields and meadows) varied in extent between a tenth and a good third of that of the *mansi*. Elsewhere, we find the reverse state of affairs. The fisc of Somain-en-Ostrevant, part of the inheritance of Eberhard of Friuli, had a demesne of 2,470 acres and only 567 acres of *terra mansionaria*.²

As a general rule, however, we have not the necessary figures with which to make estimates of this kind. We only know the number of *mansi* on the estate, and not their exact area. The number varies greatly from one estate to another: sometimes the figure is in the sixties, sometimes in the fifties, sometimes in the forties,³ sometimes even higher in the case of former fiscs, as Roulers perhaps was: estates of this kind were always of very considerable dimensions.⁴ The manor

¹ Villance: *mansi* and fractions at Libin, Anloy, Maissin, Redu, Transinne, and probably at Opont and Ochamps.—Ghent: Fayen, *op. cit.*, no. 4; cf. Ganshof, *loc. cit.*—Another example of 'Streulage' for the estate of Lobbes at Zegelsem: Warichez, *op. cit.*, pp. 258–9; cf. however p. 49 and n. 1, and p. 51, n. 1.

² St. Bertin's: Guérard, *op. cit.*, pp. 101–2.—Ghent: Fayen, *op. cit.*, nos. 3–4; cf. Ganshof, *loc. cit.*—Lobbes: Génicot, *op. cit.*, pp. 29–31.—Somain: Coussemaker, *op. cit.*, no. 3, pp. 7–8; cf. Grierson, *art. cit.*, p. 443.

³ Wellin 62 (Halkin and Roland, *op. cit.*, i, no. 35); Jumet 68 (Warichez, *op. cit.*, p. 260); Vellereille 58 (*ibid.*, p. 256); Ragnies 44½, Leernes 44, Tielrode 40 (*ibid.*, pp. 251, 255–6, 260); Poperinge 47½ (Guérard, *op. cit.*, p. 102), Lierneux 46 (Halkin and Roland, *loc. cit.*); Blandef 46 (*Dipl. reg. Germ.*, ii, no. 64: Stavelot-Malmédy); Villance 47 (Beyer, *op. cit.*, i, 166, no. 135).

⁴ See below, p. 49, n. 1, and p. 37, n. 1, and p. 41, n. 1.

of Lobbes at Zegelsem, between the Scheldt and Dendre in Brabant, likewise contained 93 *mansi*, together with three groups of 12, 15 and 7 *mansi*; we are here in the presence of a *villa* to which new elements have been added and which is still increasing in size. Probably the same is true of the estate of Roulers, in the plain of Flanders, which belonged to St. Amand's, since this manor, including its dependencies (*appendicia*), possessed in 822 the enormous figure of 118 *mansi*.¹ Very frequently the number of *mansi* was in the thirties, but perhaps the commonest figure is actually between ten and thirty.² Instances of less than ten seem to have been infrequent.³

The sources of our information on the structure of certain manors occasionally, in addition to the *mansi*, give us figures for holdings purely in terms of their area, but the reason why these are not regarded as *mansi* is not clear. There are also cases, like that of the manor of Prüm at Bastogne, where the *mansus* does not seem to have existed, and each tenant held simply a certain number of 'journaux' (*jornalia*).⁴ On estates belonging to Lobbes, St. Bertin's, Stavelot-Malmédy, Prüm, Echternach and St. Amand's, we hear of holdings called *sedile*, *sedilium*, *saticum*, *sacium*, *sessus*, and even *sessiculus*.⁵ These were perhaps of the same character as the *accola* and the *hostisia* of manors in the Paris region, and, like the latter,

¹ Warichez, *op. cit.*, p. 258; Bouquet, vi, 530.

² Thuillies 26, Donstiennes 25, Strée 25, Herly 16, Hestrud 12, Hon 30, Saintes 26, Ladeuze 20, Gottignies 15, Gilly 14, Biesmerée 19, Castillon 10½, Trazegnies 17, Haine-Saint-Pierre 30 (Warichez, *loc. cit.*); Graide 36, Humain 10, Chooz 13, Leignon 32, Vervoz 24 (Halkin and Roland, *loc. cit.*); Quelmes 15½, Acquin 24½, Baighen 18½, Coyecques 21, Wizernes 18, Audrehem 15, Escalles 16, Guines 16, Théroutanne 10, Tubersent 18 (Guérard, *loc. cit.*); Ghent 25 (Fayen, *loc. cit.*); Bousignies 21, Brillon 10, unnamed estate 28 (Guérard, *Irminon*, i. 925: St. Amand's).—Similar observations of L. Verriest, *Institutions médiévales* (Mons, 1946), p. 42, and, for Lorraine, C. E. Perrin, *Recherches sur la seigneurie rurale en Lorraine* (Paris, 1935), p. 630.

³ Trahegnies 7½, Epinoit 8, Asnoit 4, Biercée 7½ (Warichez, *loc. cit.*); Awagne (hamlet of Lisogne) 4, Bende 4, Ozo (hamlet of Izier) 5, Wohinne (former hamlet of Ocquier) 5 (Halkin and Roland, *op. cit.*, i, nos. 27, 35); Ruminghem 2½ (Guérard, *Saint-Bertin*, *loc. cit.*); Douchy 5 (Fayen, *loc. cit.*); Maire (comm. Tournai) 6 (Guérard, *Irminon*, i. 925: St. Amand's); Osweiler 3 + 3, Meckel 3 (Wampach, *op. cit.*, I. ii, nos. 141, 143).

⁴ Beyer, *op. cit.*, i. 173. This may have been the result of local conditions, and of the fact that Bastogne had only recently become a *villa* of the classical type (see above, p. 33).

⁵ Estates of Lobbes at Namur, Dinant, Thuin and around the abbey itself: Warichez, *op. cit.*, pp. 259, 261, 263, 264.—St. Bertin's: Guérard, *Saint-Bertin*, pp. 101, 103, 106.—Stavelot-Malmédy: Halkin and Roland, *op. cit.*, i, nos. 34, 45; *Dipl. reg. Germ.*, ii, no. 64; iii, no. 94.—Estates of Prüm at Villance, holdings of Libin: Beyer, *op. cit.*, i, 168 (no. 135); cf. Y. Leonard, 'Note sur les sens du terme "saticum" au X^e siècle', *Le Moyen Age*, 1946.—Echternach: Wampach, *op. cit.*, I. ii, no. 154.—Estate of St. Amand's at Maire: Guérard, *Irminon*, i. 925.

should be regarded as small holdings of recent creation, capable of becoming by growth or fusion either fractions of *mansi* or complete *mansi*.¹

In the Low Countries, the normal holding of a tenant consisted principally, if not exclusively, of arable land, though sometimes it included small stretches of meadow or wood. Often it did not form a single block. In the vine-growing regions, like the valley of the Moselle and the neighbouring district, it might include part of a vineyard.² Close to the sea and along certain rivers, particularly in the *pagi* of Flanders and Aardenburg, the land reclaimed from the sea or the rivers was often still unsuitable for cultivation. The possessions there of abbeys and churches were generally low-lying and damp water-meadows (*mariscus*) or sometimes proper meadows (*pratium*). They served for the grazing of cattle, either sheep or oxen (*bercaria*, *vaccaria*). These lands were generally granted out as holdings and were sometimes administratively attached to a *villa*.³

In many *villae*, we hear of *mansi* of a special kind held by particular officials of the manor: the mayor (*maior*, *villicus*), who administered the estate; the dean (*decanus*), a subordinate of the mayor; the forester (*forestarius*, *qui praevidet*—or *custodit*—*silvam*); the horsemen who had the duties of messengers or furnishing escorts (*caballarii*); etc. Sometimes these holdings were larger than the normal *mansi* and included meadow and wood as well as arable land. We even find cases in which they formed small bipartite manors, consisting of a demesne and several *mansi*. Servants of a lower rank, such as swineherd (*porcarius*) and shepherd (*bercarius*), or even sometimes a dean or a forester might have a small holding of several *bonniers*, not classified as a *mansus*, instead of the payment in kind, whether complete or partial, which he had received earlier (*ad prebendam*, *ad vestitum*).⁴

¹ M. Bloch, *op. cit.*, pp. 265-7; Perrin, *Manse*, p. 50.

² Meadows and wood making part of the *mansus*, and the arable of the latter dispersed over several fields: e.g. Fayen, *op. cit.*, nos. 26, 33.—Vineyard: Wampach, *op. cit.*, I. ii, no. 143.

³ St. Peter's of Ghent: Fayen, *op. cit.*, nos. 2, 4, 12, 35, 41.—Lobbes: Warichez, *op. cit.*, p. 260.—St. Bavo's of Ghent: C. P. Serrure, *Cartulaire de Saint-Bavon à Gand*, no. 4.—St. Amand's: Bouquet, vi. 530-1; *Actes de Charles le Chauve*, i, no. 92; P. Lauer, *Rec. des actes de Charles III le Simple*, no. 18.—Tournai: *Actes de Charles le Chauve*, i, no. 173.

⁴ Estates of St. Bertin's at Acquin, Bainghen, Poperinge, Wizernes, Audrehem, Guines (Guérard, *Saint-Bertin*, pp. 99, 100, 102, 103, 104-5). On the other hand, on the estate of Lobbes at Castillon, the mayor and the brewer occupied together a single *mansus* (Warichez, *op. cit.*, p. 263), and on that of Prüm at Villance the forester occupied only a quarter of a *mansus* situated at Libin (Beyer, *op. cit.*, i. 167).

We have already seen that within the structure of some *villae* there existed individual holdings consisting of small bipartite manors, or various other groupings of *mansi*, etc. We also meet with groupings of *mansi* or other holdings which are held individually and are separate from the main block of the *villa*. In both cases, no doubt, we have to do with recent acquisitions, following on a purchase or a gift, which have been attached to some *villa*; in the case of small estates, these were probably often still occupied by the former owner or his heirs.¹ In time, perhaps, these entities would lose their individuality and be incorporated in the normal manorial organization. We must be on our guard against treating the manor as if it were an unchanged and unchanging unit.²

It is also as well to remember that there are some types of holding dependent on the *villa* about whose character we know little. To many manors there were attached certain categories of persons of a privileged character. Their connection with the manor is shown by the fact that they owed to it payments and services, but their dues were much lighter than those of the holders of *mansi*; they might, for example, owe only one day's work a month or two or three days' a year. These people were perhaps tenants in a strict sense, but their holdings were presumably attached to the manor in a rather casual way.³ There were also persons who had placed themselves under the protection of a church in return for a symbolic payment (*census*), which was in principle set aside for the upkeep of the lights in the church. These are sometimes considered as being dependent on the manor, no doubt because it was through it that their dues were paid,⁴ but although they might be tenants of the church it is fairly clear that the land which they held can have only been loosely attached to the manor. Here again, though less so than in the previous example, we

¹ First case: annexes to the manors of St. Bertin's, cited in the last note.—Second case: annexes to the manors of Lobbes at Thuillies (La Houzée), Zegelsem (at Op- and Nederbrakel, St. Martens Lierde, perhaps Schelderode and a fourth place), and Jumet (Heigne): Warichez, *op. cit.*, pp. 252, 258–9, 260. It is comparable to those found in the polyptych of Irminon (e.g. *breve ix*, Villemeux, nos. 264 sq.) ; cf. above, p. 40, nn. 1, 2 and p. 49, n. 1, and Van Werveke, *art. cit.*, p. 110.

² Bloch, *loc. cit.*, is right in insisting on this point. Verriest, *op. cit.*, pp. 45–6, appears to be more or less of the same opinion.

³ For St. Bertin's, the *lunarii* and the *homines qui faciunt in anno ii* (or *iii*) *dies*, in several *descriptions* of the polyptych (Guérard, *op. cit.*, pp. 97 sq.). Cf. Van Werveke, *art. cit.*, p. 111.

⁴ For St. Bertin's, the *luminarii* (Guérard, *loc. cit.*), who appear to correspond to the *votivi homines* of the polyptych of Irminon (*breve iv*: Gagny). Cf. Van Werveke, *loc. cit.*

have to do with holdings which played no organic part in the functioning of the manorial system.

The obligations of tenants by reason of their occupation of a *mansus* or a fraction of a *mansus* or some other holding differed materially from estate to estate. In general, one may say that they included services and payments in kind or sometimes in money. A few instances of these may be given.¹ The tenants of St. Bertin's on the *villa* of Acquin, if they were serfs (*servi*), owed three days' work a week on the demesne, while their wives (*ancillae*) had to spin a certain weight of flax (*ladmo*); if they were free, they only owed two days' work a week and their wives were required to spin only half the weight of flax which was due from the serfs. Each tenant, whatever his legal status, had to perform the service of waggongage six times a year for the transport of wine to the abbey (*ad vineas carra vi*); he had also to pay ten *modii* of malt, six *modii* of flour, three chickens and twenty eggs a year.² On the estate at Bousignies of the abbey of St. Amand's, the holders of most of the *mansu* had to pay each year ten *modii* of malt, two *modii* of hops, one pig, and one penny as redemption for the provision of yeast (*pro levamine*); every two years they had to assist in the transport of wine to the abbey, or pay a *solidus* instead. In redemption of the *hostilitium*, the provision of transport for the army,³ they had to pay a *solidus* every seven years. They had also to provide 1 lb. of flax, a chicken and five eggs, and they were bound to undertake police and guard duties (*faciunt vagtas*). Finally, there were the agricultural services (*servire, servitium*), which consisted of two days' work a week on the demesne, using oxen belonging to the tenant (*cum bobus*), together with one day of purely manual work (*manibus*).⁴ On the manor of Strée, in Hainault, belonging to the abbey of Lobbes, the tenants were responsible for the sowing of the spring wheat on the demesne in May, and were bound twice a year to undertake the transport of

¹ Only some characteristic examples have been chosen; others can be found in the polyptychs or their fragments cited above, p. 35, n. 1. The dues owed by tenants on the estates of Prüm in the Low Countries (Beyer, *op. cit.*, i, no. 135, xlv–lii) and given in detail in the polyptych are studied by C. E. Perrin, *Recherches*, pp. 639 sqq. and in 'Une étape de la seigneurie: l'exploitation de la réserve à Prüm au IX^e siècle', *Ann. d'hist. écon. et soc.*, vi (1934). See also the table in K. Lamprecht, *Deutsches Wirtschaftsleben im Mittelalter*, ii (Leipzig, 1885), pp. 146–9.

² Guérard, *op. cit.*, p. 99.

³ The lord, in this case the abbot of St. Amand's, probably assumed the obligation, *vis-à-vis* the king, of providing the cartage when it was required.

⁴ Guérard, *Irminon*, i. 925.

wine. Each year, on the feast of St. Remy, they had to provide 40 spindlefuls of flax, two chickens, five eggs, and one additional chicken for the lord's wood; they had also to pay, in alternate years, either 12 pence or 2 pence.¹ At Ghent the majority of the tenants holding a *mansus* on the *villa* of St. Peter's had to provide every year 20 loaves of bread, 30 *siclae* of beer, one or two pigs in alternate years, a specified quantity of wood (*de ligna, pictura i*), 50 scantlings (*assilas*),² $\frac{1}{3}$ lb. flax, one chicken, five eggs and a *modius* of grain. One year out of three they had to pay two *solidi*, as redemption for the duty of undertaking the transport of wine; the following year they had to pay two *solidi* in redemption of the *hostilitium*; and in the third year they had to provide a linen garment.³

These examples of the dues paid by the tenants require a certain amount of comment.

The distinction between the services owed by free or virtually free tenants and those due from servile tenants is clearly visible. In the polyptych of St. Bertin's, the charges weighing on the latter are heavier, but simply by reason of their personal status; there is no distinction between their type of holding. This state of affairs was no doubt the more primitive one.⁴ In the polyptych of Prüm, a distinction is made between the servile and free *mansi* and the heavier obligation weighing on the latter has a real basis; the character of this obligation, involving boonwork arbitrarily fixed by the representative of the lord, is clearly to be explained by the status of the first occupants of the holding.⁵ On the estates of Lobbes, the holders of *mansi serviles* and *lidiles* paid dues which differed from those of holders of free *mansi* and sometimes were inferior to them; but they are fixed dues and

¹ Warichez, *op. cit.*, p. 253. The *descriptions* of the Lobbes polyptych are of a summary character and have chiefly in view the revenue which the abbey derived from each estate; they are thus to some extent comparable with those dealing with Annappes and other *fisci* in the *Brevium exempla*. Labour services in the fields are only occasionally mentioned.

² The wood in question was probably that used as posts for fencing; cf. Perrin, *Recherches*, p. 765. The scantlings, or boards placed lengthwise along the slope of the roof to which the roof-covering was attached, were called 'aisselins' in medieval French.

³ Fayen, *op. cit.*, no. 4; cf. Ganshof, *loc. cit.*

⁴ Perrin, *Recherches*, p. 632.

⁵ At Villance (Beyer, *op. cit.*, i. 169, no. 135) we hear of 5*d.* in redemption of the *hostilitium*, 15 bundles of tanning bark (*dabvastos xv*: the interpretation is that of Lamprecht, *op. cit.*, I. ii (1886), p. 787, n. 3), and the *aratura* or cultivation of a specified piece of ground as being due from holders of both free and servile land, but in addition to these defined obligations any service might be demanded from holders of servile land (*reliquum tempus facit omne servitium quicquid ei iubetur*). There is a similar provision at Mabompré (*ibid.*, p. 171), where, after the list of specific services, we hear of *omne servitium quicquid ei iubetur*.

in no way recall the arbitrary character of the obligations originally imposed on the slaves who had formerly been settled on the holdings.¹ Sometimes the dues required from a *mansus* varied according to the number of its occupants. This was at least the case on the manor of Villance belonging to the abbey of Prüm, where each of the tenants on an overpopulated *mansus* owed proportionately higher services than was the case of tenants of underpopulated *mansi*.² But this is the only example of this phenomenon known to us. So far as fractions of the *mansus* are concerned, their dues were not always fixed in proportion to their size. On certain *villae* of St. Bertin's and on the manor of Villance, for example, a higher fraction was demanded. In the case of Villance we have also the unusual phenomenon of overpopulated half- and quarter-*mansi*.³

Even within a single manor, *mansi* of the same character did not always carry with them exactly the same services or dues. On several estates of Lobbes and St. Amand's, and on the *villa* of St. Peter's at Ghent, obligations might vary from one group of *mansi* to another, sometimes even from one *mansus* to another. It has been suggested with much probability that such differences are to be explained by the fact that certain groups of *mansi* were only subsequently added to the original estate.⁴ As for the smaller differences from *mansus* to *mansus*, such as we find at Ghent, they are perhaps the reflection of differences in size between the *mansi*.

Sometimes certain tenants seem to have been peculiarly favoured. Those who were bound to services of some particular character might be dispensed, either in whole or in part, from other obligations and dues.⁵ Some tenants had only to make payments in kind or in money. This was noticeably the case for those who held *vaccariae*, *bercariae*, *marisci* or other tenures created on reclaimed land or out of the waste. Such groups of holdings whose occupants were exempt from services were

¹ Warichez, *op. cit.*, pp. 251, 252, 255, 257. On the manor of Ladeuze the tenants of servile *mansi* owed three days service a week, while nothing similar was laid down for tenants of free *mansi*.

² Beyer, *loc. cit.*; cf. Perrin, *Recherches*, p. 641, and the table in Lamprecht, *op. cit.*, ii (1885), pp. 146-9.

³ St. Bertin's: at Acquin and Coyecques the tenant of a half-*mansus* owes the same services as the tenant of a full *mansus*, and his wife owed the same quantity of flax as other tenants (Guérard, *op. cit.*, pp. 99, 101). For Prüm, see the *brevia* of Villance, Mabompré and Tavigny; cf. Perrin, *Recherches*, pp. 641-2, and the table in Lamprecht, *op. cit.*, ii. 145.

⁴ Lobbes: Warichez, *op. cit.*, pp. 254, 255, 256, 258, 260-1, 265.—St. Amand's: Guérard, *Irminon*, pp. 925-6.—Ghent; Fayen, *op. cit.*, no. 4; cf. Ganshof, *art. cit.*—For the explanation, see Bloch, *op. cit.*, pp. 265-6.

⁵ See above, p. 50, and Guérard, *Saint-Bertin*, pp. 99, 100, 102, 105, 107.

on this account frequently termed *terra censalis*, since *census* was the term generally employed for fixed payments of a real or personal origin.¹

If it is true that the *mansionarii* found the charges and services required from them heavy and sometimes crushing, they none the less had one important compensation. Part of the pasture (*pastura communis*) and woodland (*silva communis*) and often some of the waste land included in the demesne was at their collective disposition. The greatest importance was attached by the tenants to their customary rights in these areas, which permitted them to graze their cattle, to fatten their pigs, and to gather or cut wood for heating or building purposes. We cannot assume, however, that these practices are survivals from a period of primitive agrarian communism, any more than we can take it for granted that the 'marken' which in the thirteenth century are found in certain regions of the kingdom of the Netherlands (Overijssel, Guelders, Drente) derive from the collective ownership of free peasants of Carolingian or even earlier times.²

For the cultivation of his demesne and the production of anything which he might require, the lord used in the first place serfs who had no holdings and were attached to the *curtis*. They were descendants, or at any rate successors, of slaves who had not been settled on the land, and were in a general way at the free disposition of the lord and his officials. They are termed *hagastaldi*, *absi homines ex nostra familia*, *solivagi* or sometimes *prebendarii*, in the latter case because they had the right to their upkeep (*praebenda*); sometimes they were also called *mancipia*, though this term is frequently used for all serfs, whether *casati* (settled on holdings) or not. Tenants occupying small bipartite manors or other groups of holdings larger than the *mansus* might in their turn have their own *mancipia*, who would no doubt carry out the agricultural or transport services to which their master was bound. The women of this group (*feminae*, *haistaldae*) are sometimes described according to their duties: servants (*puellae*), dairy-maids (*facriciae*), sempstresses (*camsilariae*), etc.³ Only in

¹ In general, see the *descriptiones* of the polyptychs of St. Bertin's and Prüm.—*Vaccariae*, etc.: Warichez, *op. cit.*, p. 260; Fayen, *op. cit.*, no. 4; Guérard, *op. cit.*, p. 102.

² Warichez, *op. cit.*, pp. 260, 263; Guérard, *op. cit.*, pp. 103-6; Fayen, *op. cit.*, nos. 9, 14, 40; Bonenfant, *art. cit.*, p. 810 (so far as the text cited is valid for the ninth century); Slicher van Bath, *op. cit.*, i. 55 sq.

³ *Hagastaldi*: Fayen, *op. cit.*, nos. 4, 5; Warichez, *op. cit.*, pp. 251-8, 260, 262, 263, 266; cf. *Annales Bertiniani*, a. 869 (ed. Waitz, p. 98).—*Absi homines*: Beyer, *op. cit.*, i. 170, no. 135.—*Solivagi*: Bonenfant, *art. cit.*,

special cases, where the demesne was small and the number of *hagastaldi* high,¹ would the latter be sufficient for their task. The fields and to some extent the meadows of the demesne required the work of the tenants, and their labour constituted an essential element in its cultivation. Even tenants who occupied *mansi* in a place where an abbey possessed only some land and not a *mansus indominicatus* might be bound to such labour, which they would carry out on the nearest demesne belonging to the abbey. Often two types of agricultural work are distinguished at this period, piece-work and day-work. The first (*riga, aratura*) involved the cultivation of a specific fraction of the fields of the demesne, sometimes called *ansinga*; the second (*corvada, dies, noctes*) consisted of a day's work, the nature and place of which was decided by the lord. In the sources at our disposal, however, it is only in the *descriptiones* of the estates of Prüm in the Ardennes that we find the distinction clearly made.² Some later sources, such as the polyptych of Prüm and the description of the demesne of Sint-Pieters-Leeuw, mention the obligation of furnishing food to the tenants while they are carrying out their work.³

Very little is known on the actual subject of agricultural technique in the Low Countries in the eighth and ninth centuries. It is certain that rotation of crops, with one field left fallow, was in use. The only form which appears in the texts at our disposal is the three-field system; each field would be sown one year with winter wheat (*ad hibernaticum*), the following year with spring wheat (*ad tremensem*), and the third year left fallow. This régime is equally found on the estates of St. Amand's in the Scarpe-Scheldt region and the estates of Prüm in the Ardennes. But we cannot positively affirm that

pp. 809-10 (see last note).—*Praebenda*: Guérard, *op. cit.*, pp. 97, 99, 100, 101, 103, 104, 105, 107; *Brevium exempla* (Boretius, *Capitularia*, i, no. 128), no. 25 (Annappes).—*Mancipia*: Guérard, *Saint-Bertin, passim*; *Irminon*, p. 925.—*Cansulariæ*, etc.: Fayen, *loc. cit.*; Guérard, *loc. cit.*; Warichez, *op. cit.*, p. 258. Cf. *Capitulare de Villis* (Boretius, *Capitularia*, i, no. 32), cc. 31, 50.

¹ Ghent: Fayen, *op. cit.*, no. 4; cf. Ganshof, *art. cit.*—St. Bertin's: small manors included in the *villa* of Moringhem or attached to the *villae* of Acquin, Bainghen, Poperinge, etc., and perhaps in the small estate of Barbinghem (comm. Moringhem), Guérard, *op. cit.*, pp. 98 sq.

² Services due from the holders of isolated *mansi*: Guérard, *op. cit.*, pp. 97-8, 99.—On the two types of services: M. Bloch, *Les caractères originaux de l'histoire rurale française* (Paris, 1931), pp. 75-6; Perrin, *Recherches*, pp. 631-3.—*Ansinga*: C. E. Perrin, 'De la condition des terres dites "ansingae"', *Mélanges* . . . *Lot* (Paris, 1925); an example from the regions we are concerned with in Wampach, *op. cit.*, I. ii, no. 154 (probably as a measure of area).—Prüm: Beyer, *op. cit.*, i, no. 135, xlv-xlviii.

³ Prüm: texts cited in preceding note.—Sint-Pieters-Leeuw: Bonenfant, *loc. cit.* (so far as applicable to the ninth century).

the two-field system or some intermediate type was unknown.¹ Sometimes on the same manor we hear of old-established fields named according to their position, like *Westeraccra* or *Sudaccra*, side by side with others of more recent origin, reclaimed from marshes or woodland or heath, as indicated by the termination *-rode* (e.g. *Rodha*, *Selmetrodha*, etc.). These fields might belong to the demesne or to the *terra mansionaria*, or to both.²

The income of a manor (*conlaboratus*)³ included not only the produce of the soil and cattle and the payments of the tenants in virtue of their holdings, but also the personal payments due from tenants in virtue of their legal status and those of the same kind paid by the *hagastaldi* and certain categories of dependants⁴; to these may be added the value of any produce sold. In the *fisci* retained by the Crown, a proportion of the *conlaboratus* was reserved for the needs of the estate (for sowing, *praebenda*, etc.); a proportion was put aside for the use of the court in the event of its visit to the region in question; the remainder would be disposed of at the king's direction, and might in particular circumstances be sold.⁵ In the case of ecclesiastical estates, a proportion of the *conlaboratus* would be used as in the *fisci*, and the remainder would be distributed over the various services which existed in the church or the abbey—the bishop's or abbot's table, the table and clothing of the monks or canons, *hospitalitas* or service for guests, alms for the poor, the lighting of the church, etc.⁶ In the case of secular lords, one must distinguish between small or medium-sized estates and those of greater dimensions.

¹ St. Amand's: Guérard, *Irminon*, i. 925–6 (the four *villae*).—Prüm: Beyer, *op. cit.*, i. 167, no. 135, xlv (Villance); less clearly, p. 171, no. xlv (Mabompré, where the service of the tenants is mentioned only in connection with the sowing of spring wheat). Cf. Bloch, *Caractères originaux*, pp. 30 sq.; Perrin, *Prüm*, pp. 456–7.

² Examples taken from land acquired by St. Peter's of Ghent in the *pagi* of Courtrai and Ghent, in the region of the Lys (Fayen, *op. cit.*, nos. 26, 33). In both cases, the fields in question include fractions of holdings. Cf. Déléage, *op. cit.*, i. 256–7.

³ *Capitulaire de Villis* (Boretius, *Capitularia*, i, no. 32), cc. 6, 30, 33; *Brevium exempla* (*ibid.*, no. 128), cc. 25, 30, 32, 33, 34; Warichez, *op. cit.*, pp. 255, 256, 258.

⁴ Personal dues, generally estimated in terms of money, appear in many *descriptiones* of estates of St. Bertin's and Lobbes.

⁵ This is clear from the *Capitulaire de Villis* and the *Brevium exempla*. See also M. Bloch, 'La organización de los dominios reales carolingios', *Anuario de historia del derecho Español* (1926).

⁶ These dispositions are particularly clear in the case of the abbey of Corbie, only just outside the region with which we are concerned (L. Levillain, 'Les statuts d'Adalhard', *Le Moyen Age*, 1900; cf. E. Lesne, 'L'économie domestique d'un monastère au IX^e siècle, d'après les statuts d'Adalhard', *Mélanges . . . Lot*). On the question in general, see E. Lesne, *Histoire de la propriété ecclésiastique en France*, vi (1943), pp. 321 sqq.

In the first case, the lord would be in residence for at least a great part of the year, and the estate would chiefly serve for his maintenance. Such would have been the case, for example, with the estate belonging to Oduinus at Awagne in Condroz, consisting of a *mansus indominicatus* and four *mans*, before it was given to Stavelot-Malmédy in 822.¹ One may assume that Oduinus possessed two or three *villae* of this kind in which he stayed in turn and consumed their produce. But in the case of a great proprietor, who would often be kept away from his estates through the performance of public duties, more elaborate arrangements were necessary. The letters of Einhard, lay-abbot of St. Servatius' at Maastricht and of St. Bavo's and St. Peter's at Ghent, are here instructive, for a lay-abbot was in this respect in the same position as an ordinary secular lord. We see Einhard, when arranging to undertake his service with the Emperor Louis the Pious on 11 November of some year unknown, instructing his *vicedominus* at Maastricht to send the 'men' of the abbey (i.e. the *mansionarii* from whom services were due) to Aachen to repair his house there and to put it in order in expectation of his arrival. The *vicedominus* has also to see that the estate officials (*iuniores ecclesiae*) send to Aachen the provisions necessary for Einhard's stay, according to custom and at the most convenient time: flour, malt, wine, cheese, and other produce derived from the *conlaboratus* or the cultivation of the demesne. Finally he is to slaughter some oxen at Lanaken, one of the abbey's estates, so that there may be salt meat at Einhard's disposition. All these have to be done while Einhard himself is staying at the palace. In another letter addressed to a priest who represents him at Ghent and to his local *vicedominus*, Einhard requires the latter to assist the priest Willebald, whom he has sent specially to collect the *census* due from his *homines*, his 'men' on the estates of St. Bavo's and St. Peter's, and to bring it to him, no doubt to Seligenstadt in the valley of the Main. A third letter of Einhard instructs his representative at Ghent to send him some wax, a product hard to come by in the region where he found himself at the moment, and some of his vassals, actually from his estates in the eastern parts of the empire, are charged with the duty of bringing it to him.²

We have tried, in these pages, to give some sort of sketch of the characteristics of manorial organization between the

¹ Halkin and Roland, *op. cit.*, i, no. 27.

² *Einharti epistolae* (ed. K. Hampe in *MGH, Epist. aevi carolini*, iii), nos. 5, 55, 56.

seventh and the ninth centuries in the north of the Frankish kingdom. Its chief use, perhaps, is to provide a basis for comparison with other regions. It can be compared, in the first place, with the 'classical' region of manorial organization at this epoch, the country of the Seine and the Loire with the Paris area as its centre. It can be compared with other regions which have been the scene of special study, such as Lorraine and Alsace and certain parts of Germany. It can be compared with countries which were only attached politically to the Frankish monarchy, like Italy, or which were never absorbed by it at all, like England, for these also possessed manorial organizations. Such comparisons are of value, since they allow us to decide which elements are due to local factors and to differences in the tempo of local development, and so to disentangle from these the common and permanent features of an economic and social régime. It may also be hoped that a sketch such as that which we have given here will serve to assist in the comprehension of the profound changes which were taking place in the Low Countries and the adjoining regions from the tenth and eleventh centuries onwards in the structure of agrarian society and its methods of cultivating the soil.¹

¹ I should like to express my thanks to my friend Philip Grierson for his kindness in undertaking the translation of this paper.

FREE TRADE IN LAND: AN ASPECT OF THE IRISH QUESTION

BY PROFESSOR W. L. BURN, M.A., F.R.Hist.S.

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IN 1811 the Solicitor-General of Ireland was prosecuting at Clonmel some members of two agrarian societies of the Ribbon type, the Caravats and the Shanavests.

What (he asked) is the first object of these savage associations, to enforce the commands of which you are nightly plundered of your arms? It is the regulation of landed property and its produce, it is the vain and idle attempt to fix a maximum for rent and to prescribe the price of labour, it is the frantic project to prevent the transfer of property and to frustrate the exertions of industry. The nature of things, still more than the operation of positive law, has decreed that property should find its own level; and it is the first principle of a commercial country, and the first consequence of national prosperity, that property should be in a state of perpetual transfer and circulation.¹

This was one view of the Irish agrarian question and it continued to be the view held by the majority of the members of the Houses of Parliament for more than half a century. 'Things will find their level,' Palmerston said in a debate on 27 February 1865; summing up, as he so often did, a commonplace thought in a commonplace phrase.

The opposing point of view was put forward in the resolutions of the Tenant Right conference of 1850.

That a fair valuation of rent between landlord and tenant in Ireland is indispensable.

That the tenant shall not be disturbed in his possession so long as he pays the rent fixed by the proposed law.

That the tenant shall have the right to sell his interest, with all its incidents at the highest market value.²

These were the 'three F's', derived, in the opinion of their advocates, from the ancient Irish system of land tenure.

Here, then, were two principles which, in their extreme forms, were irreconcilable. One looked primarily to the development of agricultural resources and to the increase of

¹ *State Trials*, xxxi. 420.

² *Irish Historical Documents 1172-1922*, ed. E. Curtis and R. B. McDowell (1943), pp. 250-1.

production ; the other looked primarily to the protection of the producer. On the one view, the essential needs of Irish agriculture were the free flow of capital and the mechanism of the free market, in which the landlord and the tenant would represent the buyer and the seller, bound by the contract they had made. On the other, the occupancy of land, in itself, gave the occupier certain rights which were not dependent upon and could not be abrogated by contract. If the existence of such rights were admitted, the operation of a free market and the inducements to capital which a free market offered would be gravely checked. It is scarcely necessary to adduce evidence to this effect. If evidence is needed it can be found in the difference which exists to-day between the price of two identical houses, one sold with vacant possession, the other sold subject to a statutory tenancy at a standard rent.

There was, however, one possible measure which stood not midway but somewhere between these two theories ; a measure which would compensate the tenant for improvements carried out by his own labour and capital. Although it formed part of the programme of those who looked primarily to the protection of the tenant, it could also be associated with the demand for the introduction of more capital and for greater productivity. Provided that safeguards were offered to it, the capital which had been quietly accumulating in the hands of the landless Irish Roman Catholic middle class as well as that which existed in England and Scotland could be employed in the improvement of Irish land and the increase of Irish agricultural produce.

The opportunity was not created by any extraordinary zeal for improvement which differentiated the Irish tenant-farmer from the tenant-farmer of other countries. At least, that reading of Irish history which presents hundreds of thousands of tenants virtuously and passionately bent on improving their holdings and only prevented from doing so by the stubbornness and rapacity of their landlords strikes me as nonsensical. The point is not that the Irish tenant was an assiduous improver : it is that the Irish landlord was very rarely an improver at all. Here the Irish system of land tenure differed fundamentally from that of England and Scotland, where the landlord let the land and the fixed capital in the form of buildings and was usually willing, upon payment of interest, to add to that fixed capital by the expenditure of money on additional farm buildings, roads, drainage ; in other words, upon improvements. A landlord who did this became

in a sense a partner with his tenant, each having an interest in the prosperity of the farm. This element of partnership, which has been the salvation of the landlord-and-tenant system in England, was almost entirely absent in Ireland, where the landlord, even when no middle-man stood between him and his tenant, was almost invariably a mere receiver of rent.

However deplorable, it was a relationship arising only too easily from conquests and confiscations, from differences of race, language and religion. These were not, however, the only reasons for it. One was to be found in the densely-populated condition of many Irish estates. Improvement, at least in the English sense, could not be begun until a considerable number of the tenants or squatters had been removed. This is no doubt a hard saying, but an estate covered with one-room mud cabins, the land divided and cross-divided and subdivided into tiny plots, could only be improved, agriculturally, by compelling or inducing a large number of its inhabitants to leave it. This might be done humanely or it might be done brutally, but unless it were done there were many estates on which, as Lord John Russell said, 'you might as well propose that a landlord should compensate the rabbits for the burrows they have made on his land'.¹ The doing of it, however, was a task from which a kindly man or a lazy man or a timid man might well shrink. The desire for popularity and the desire for personal safety alike suggested a policy of inaction, of compliance with the tendency towards subdivision of holdings.²

In consequence, although there were instances of improvements being carried out by landlords (such as those effected by Lord Headley on the Glenbeigh estate in Kerry), there was in Ireland no tradition of the improving landlord. In the vast majority of cases the tenant was the sole agent of such improvements as were made. It was he who had to spend time and money, if they were spent at all, in draining, in the reclamation of waste, in making roads, in erecting farm buildings; and at least by the middle of the eighteen-forties there was a general acceptance of the principle that he ought to be compensated for what he had done and spent.

The acceptance of the principle, however, implied no agreement on the details, which provided matter for acute contention. What was an improvement? There were acts which

¹ Spencer Walpole, *The Life of Lord John Russell* (1889), ii. 463.

² For a striking warning of what was likely to happen to 'improving' landlords, see W. N. Senior, *Journals, Conversations and Essays relating to Ireland* (2nd edn., 1868), ii. 46-7. And cf. W. S. Trench, *Realities of Irish Life* (1870), pp. 47-8, 206-13.

might increase the comfort and even the temporary prosperity of the tenant without increasing, even if they did not diminish, the value of the holding. Who, then, was to say what constituted an improvement? Should it be the Board of Works or a jury or the assistant-barrister (the stipendiary chairman of Quarter Sessions)? Should there be an appeal to the assize court? The interposition of any intermediary body between the landlord and the tenant was a breach of the principle that their arrangements were best left to themselves. The more precise the system of arbitration and appeal, the more cumbersome and expensive it would become, and time and money were usually on the side of the landlord. What was to be thought of an act of improvement if it had been made in the wrong conditions or in the wrong order; as when a tenant had spent a considerable sum of money on artificial manures without first draining the land on which he put them? How long was the unexhausted benefit of the several kinds of improvements supposed to attach to the land? Above all, was legislation for compulsory compensation, if adopted, to have retrospective effect? It was recognized in the nineteenth century more strongly than it is now that retrospective legislation was undesirable as diminishing the certainty which it is the very business of the law to afford. On the other hand, was it fair to provide compensation for improvements made after a certain date and thus to confiscate all improvements made before that date?

These difficulties were formidable enough, but there was another more formidable still. Whereas compensation for improvements represented the limit of the concessions offered by the upholders of the contract or (as Frederic Seebohm called it in an important article in the *Fortnightly Review* of September 1869) the commercial school, it was the least demand of those who represented what was variously called the feudal or the patriarchal system, who stood for status as against contract. Apart from theory, moreover, there was great practical difficulty in dissociating compensation for improvements from such other demands as those put forward by the Tenant Right League. A landlord might say to his tenant, 'Yes, I shall pay you compensation for the improvements you have made, but I shall at the same time increase your rent and if you do not choose to pay it I shall find another tenant who will.' When Gladstone and Chichester Fortescue were holding their preliminary discussions for the Land Bill of 1870 they realized that any provision for the determination of rents by the state was politically impossible, but they hoped that a provision for

compensation for improvements and for disturbance would deter landlords from arbitrary interference with rent and tenancy.¹ This indirect approach to the question of rents, which worked well enough in England under the Agricultural Holdings Acts, was not sufficient for Ireland, where the demand for compensation for improvements passed very quickly into the demand for the 'three F's'. The result was that English and Scots members of Parliament felt increasingly suspicious of everything which fell under the vague head of tenant-right. They feared, as we might put it to-day, that they were being 'led up the garden path'. Sharman Crawford, the Ulster landlord who first led the movement for tenant-right in the Commons, was not himself an extremist, and although he sought valuation of rents he declined to go so far as to demand fixity of tenure. Nevertheless he was much influenced in the years 1848-52 by men more extreme than himself, and a Bill which he introduced in 1852 seemed, to English members, to show only too many signs of their influence. It provoked Sir George Grey to say that 'the object of the present agitation was not compensation but a reduction of rents . . . such a combination must be met by the strong arm of the law'.² There can be no doubt but that the principle of compensation for improvements suffered badly, in these years, from its association with some or all of the 'three F's', however natural or logical that association might be.

It was an association all the more natural because there existed in the Ulster Custom a system which combined or was held to combine compensation for improvements with these wider demands. Where the Ulster Custom prevailed an outgoing tenant sold his interest, usually to the highest bidder but subject to the veto of the landlord against a particular purchaser. The successful purchaser, who succeeded to the tenancy, had in effect bought two things: the right of succession to what the landlord could let and the right of enjoying the improvements made by the outgoing tenant. This system provided a rough-and-ready method of assessing the value of improvements without creating an elaborate and expensive machinery for arbitration. Such compensation, however, and therefore the total sum realized by the sale, would be seriously diminished if the rent of the holding were markedly raised. Consequently it had come on many estates to be the rule that rents should be fixed by some method of valuation which should prevent the tenant's right being extinguished, while

¹ Brit. Mus., Add. MS. 44,121 (Gladstone Papers, xxxvi), *passim*.

² *Parliamentary Debates*, 3rd ser., cxix. 341 (10 February 1852).

providing the landlord with a proper increase from time to time. Another, but more arguable, rider to the Ulster Custom was to the effect that as long as the tenant paid the 'fair rent' and carried out his other duties under the tenancy agreement he should not be disturbed in the possession of his holding.¹

Here, then, was a custom firmly entrenched in one Irish province and that admittedly the most prosperous and contented. What was simpler than to give this custom the force of law where it existed and to create a similar custom where it did not exist? This was substantially the aim of Sharman Crawford in the 'forties and early 'fifties: it was substantially the achievement of Gladstone in 1870. Why was it not achieved earlier? The answers are not difficult to find. The Ulster Custom was extremely hard to define in precise terms. It varied, in important particulars, from district to district and from estate to estate. Even with the best will in the world there was bound to be extreme difficulty in giving legislative force, let alone extension, to a custom so variable. In the second place, in so far as the Ulster Custom embodied the principles of fair rent and fixity of tenure, it embodied principles which were anathema to Parliament as a whole. Parliament did not for a moment contemplate interference with the custom where it existed. Such an attempt would have turned County Down into a second Tipperary. It was one thing, however, to condone the existence of the custom, as a custom; it was quite another to give it formal approval by legislation. Moreover, it was argued that the merits of the Ulster Custom could easily be exaggerated. It suited the outgoing tenant because he obtained a lump sum by the sale of his right: it suited the landlord because he was entitled to deduct from that lump sum all arrears of rent due to him; but it was apt to bear hardly upon the incoming tenant who might have to pay as much as twenty years' purchase and, if he did so, would almost certainly begin his tenancy under a crippling load of debt. A land-agent, writing in 1853, described the Ulster Custom as that of 'one pauper tenant

¹ A special bibliography would be necessary for the full references to the Ulster Custom; but see *Digest of Evidence* (Devon Commission, 1847); Isaac Butt, *The Irish People and the Irish Land* (Dublin, 1867); A. G. Richey, *Irish Land Laws* (2nd edn., 1881); C. D. Field, *Landholding and the Relation of Landlord and Tenant in Various Countries* (Calcutta, 1885); W. E. Montgomery, *The History of Land Tenure in Ireland* (Cambridge, 1889); T. H. Maxwell, *An Outline of the Law of Landlord and Tenant and of Land Purchase in Ireland* (Dublin, 1909); G. O'Brien, *The Economic History of Ireland from the Union to the Famine* (1921).

succeeding another, each expending his capital in the purchase of tenant right'.¹

The foregoing details may serve to explain why no legislation for the protection of Irish tenants, whether along the lines of compensation for improvements or of more ambitious demands, secured the approbation of Parliament before 1860. There was no lack of efforts. Bills were introduced on behalf of the Irish tenants by Sharman Crawford in 1835, 1836, 1847, 1848 and 1852; by Shee in 1852, 1853 and 1854; by G. H. Moore in 1856 and 1857; by Maguire in 1858. In addition to the recommendation made by the Devon Commission in 1845 in favour of compulsory compensation for improvements, bills to that end were introduced by Peel's government in 1845 and 1846 and by Derby's government in 1852. The last of these, introduced by Napier, the Attorney-General for Ireland, and forming part of his 'code', was the most ambitious attempt to deal with the question made before 1870, possibly before 1881. The Whig ventures—Somerville's bills of 1848 and 1850—were more restricted in scope, but it was a Whig government which at last succeeded in passing legislation in the shape of Cardwell's Act of 1860.² This act owed its success in Parliament to its innocuousness. So far as it dealt with tenants' improvements it was wholly prospective and it was limited to such improvements as the landlord agreed to. An Irish member, the O'Donoghue, complained that the government was merely 'prescribing bread pills'; and the act was a complete failure. Gladstone's Irish Land Act of 1870 was a far more ambitious and ingenious measure, but in the opinion of the Bessborough Commission its effect was to lead to an increase in rents and its weakness was glaringly revealed by the situation which developed in the bad years of the later 'seventies. The fact was that by this time the Irish agrarian question had reached a stage when even an effective measure for compensation for improvements could do little to allay discontent.

So much for what was not done in the years 1845-70. We have now to notice what was done, and on this it is desirable to make one or two preliminary points. The Irish agrarian

¹ *Landlordism in Ireland With Its Difficulties: A Sketch of the Tenant-Right Question in Ulster: By One Late an Agent* (Belfast, 1853), p. 18.

² There is no complete and accurate account of the legislation and the proposals for legislation in these years, but the subject may be studied in Sir C. Gavan Duffy, *The League of North and South: An Episode in Irish History 1850-1854* (1886); W. Shee, *Papers, Letters and Speeches . . . on the Irish Land Question* (1863); E. Lucas, *The Life of Frederick Lucas* (1886); A. C. Ewald, *The Life and Letters of Sir Joseph Napier* (1892); R. Barry O'Brien, *The Parliamentary History of the Irish Land Question from 1829 to 1869* (1880); M. G. Moore, *An Irish Gentleman: George Henry Moore* (1913).

question was not ignored in Parliament. On the contrary, a very bold and far-reaching measure was adopted for its solution; and this is perfectly in accord with two tendencies which have received, perhaps, less attention than they deserve. Even when it is admitted that England sought to do a great deal for Ireland in the nineteenth century it is usually suggested that she sought to work on conventionally English lines. On the contrary, I should like to see more emphasis on the extent to which Ireland served as a social laboratory, the scene of daring and ambitious experiments. Ireland, after all, had a system of national education before England; it had land purchase; it had, in the Congested Districts Board, what we may recognize as a prototype of the development board to-day. The most conventional of Englishmen were willing to experiment in Ireland on lines which they were not prepared to contemplate or tolerate at home. They were particularly prepared so to act in the 'forties. The significance of much of what happened in Britain in the nineteenth century would be plainer if the expression '*laissez-faire*' were used in a less comprehensive and inaccurate way than it is. The task of the early Victorians was not primarily that of working a free economy: theirs was the preliminary task of bringing about the conditions in which a free economy could work. This could not be achieved by a policy of negation. On the contrary it needed measures so radical as to be almost revolutionary. None of these measures was more radical than that which aimed at free trade in land.

The demands made on behalf of the Irish tenants were, as we have seen, at odds with the dominating social and economic beliefs of the day; but these beliefs might themselves afford a solution more satisfactory in itself and far more acceptable to Parliamentary opinion. What Irish agriculture needed, it was argued, was capital. If the owner of a Lancashire cotton mill was too much impoverished to run it efficiently, it was in the interests of society that it should be acquired by someone with enough capital to do so. The same argument was applied to Irish land. Of the impoverishment of a great number of Irish proprietors there was no doubt. In the years between the Union and the end of the Napoleonic War something like a '*dance of the millions*' had happened in Ireland. Lacking a tradition of agricultural improvement and being prevented from inaugurating one, the Irish landowners had spent their money in other ways, in building on a vast scale; in collecting; in political rivalry; in high living, hospitality and sport. They aspired to live,

not merely like gentlemen but like princes ; and their example was followed by the petty squireen and the country-town attorney. The basis of this prosperity was the highly precarious one of war-time prices. When those prices fell away the structure erected upon them, with its superstructure of jointures, charges and encumbrances of every kind, was bound to collapse.¹ A Lancashire cotton mill in similar circumstances could be sold. The transference of landed property is necessarily more difficult and the transfer of Irish landed property was unusually difficult because of the complexity of so many of the titles. It had long been customary for an Irish landlord to borrow money on the security of his land by 'confessing to judgment', that is, by executing a deed in which he acknowledged that he was a judgment debtor. These deeds were assignable. Further complications had been introduced by O'Loghlen's Act (1835)² which allowed an unsatisfied creditor to appoint a receiver over any and all the land owned by the debtor (including land which he had acquired since contracting the debt) and by Pigott's Act (1840)³ which extended the lien to chattel interests, leases and terms of lives. A prospective purchaser was therefore obliged to demand the history of every encumbrance which had ever been created on any of the land owned by the vendor. In many instances the mere trouble and expense of tracing the successive assignees was in itself an insuperable obstacle to proving a good title.⁴

That was the situation which the Encumbered Estates Act of 1848⁵ was meant to remedy. It was designed, as the Solicitor-General said, 'to make land in Ireland a marketable commodity, which it is not now, or only to a very small extent'. The most important provisions were those which allowed the owner, a first encumbrancer or any encumbrancer who held the deeds, to petition the Court of Chancery to sell the land with an indefeasible, Parliamentary title ; distributing the proceeds, so far as they would go, among the encumbrancers and paying the balance, if any, to the owner. This act failed to achieve its purpose, largely because the unreformed Chancery Court of Ireland was too slow, expensive and cumbersome in its procedure. During the prorogation Lord John Russell spent some time in Ireland to investigate

¹ W. T. H., *The Encumbered Estates of Ireland* (1850) ; reprinted from the *Daily News* of August and September 1850.

² 5 and 6 Will. IV, c. 55.

³ 3 and 4 Vict., c. 105.

⁴ See Devon Commission *Digest*, p. 1030 ; J. Pim, *Observations on the Evils Resulting to Ireland from Insecurity of Title* (1847), and *A Letter to Sir John Romilly, M.P.* (1850).

⁵ 11 and 12 Vict., c. 48.

the working of the act and on his return instructed the Solicitor-General (Sir John Romilly) to draft a second and more effectual measure.¹

This was the act which became law on 28 July 1849 under the title of 'An Act further to facilitate the Sale and Transfer of Encumbered Estates in Ireland'.² It differed very markedly from its predecessor. In the first place it took away from the Court of Chancery the duties allotted to it in 1848 and placed them in the hands of three Commissioners.³ The justification for this innovation was stated by Sir Robert Peel in words which would commend themselves to any defender of administrative law to-day.

I believe, although the ordinary courts of law are admirably suited for the conduct of ordinary proceedings and for the administration of justice between man and man, without extraordinary courts, yet I must say, when great social difficulties have to be contended with, my belief is that you should step beyond the limits of those ordinary courts of justice and establish some special tribunal, unfettered by reference to technical rules, for the purpose of solving those difficulties.⁴

The powers of the Commissioners were almost absolute. They were empowered to make their own rules of court, subject only to the sanction of the Irish Privy Council; they could decide whether or not to sell and at what price; there was no appeal from them except by their own leave. The second great difference between the acts of 1848 and 1849 consisted in the means by which an estate could be brought under the jurisdiction of the Court. The 1848 Act had limited the class of persons who could petition for sale. The 1849 Act allowed the Court to act on the petition of the owner or of any encumbrancer (for howsoever small an amount): an amendment added by the House of Lords limiting the jurisdiction of the Court to estates where the encumbrances amounted to half the net value of the estate was easily avoided, in practice, by

¹ Earl Russell, *Recollections and Suggestions 1813-1873* (1875), p. 195.

² 12 and 13 Vict., c. 77.

³ The Commissioners were Baron Richards, of the Irish Court of Exchequer; Mountifort Longfield (1802-84), who had held the Chairs of Political Economy and of Feudal and English Law in Trinity College, Dublin; and C. J. Hargreave (1820-66), Professor of Jurisprudence in University College, London, 1843-9, and a distinguished mathematician. Longfield was a man of outstanding ability, but his strongly-held personal views on the Irish land question may have unfitted him for the performance of judicial duties. See his paper on 'The Tenure of Land in Ireland' in *Systems of Land Tenure in Various Countries*, ed. J. W. Probyn (Cobden Club, 1870).

⁴ *Parliamentary Debates*, 3rd ser., civ. 910 (26 April 1849). The Commons debates on the Bill are to be found in vols. civ. 892-920; cv. 344-61, 760-77, 1094-1118; those of the Lords in cv. 1336-67; cvi. 709-14, 1039-42, 960-2.

means of an encumbrancer securing the appointment of a receiver by the Chancery Court and then having the estate transferred for sale to the Encumbered Estates Court.¹

The powers of the Court were in the first place temporary but they were extended by successive acts of Parliament until the Transfer of Land (Ireland) Act, 1858,² established the Landed Estates Court to carry on (with some additional safeguards) the functions of the Encumbered Estates Court and to extend them to unencumbered estates. By the time this act was passed the success of the policy of free trade in land was a matter of almost unanimous acknowledgment in Parliament and outside.³ This was the more interesting because in its early years the Encumbered Estates Court had been the object of considerable and indeed virulent criticism. One source of criticism was the Irish Bar, powerfully represented in the Commons by the earnest Napier and the eloquent Whiteside. The Bar, for the most part, regarded the Court as an unconstitutional innovation. This dislike was further heightened by the fact that the Court sat in Henrietta Street (remote from the Four Courts) and that, in the opinion of its critics, its business had fallen into the hands of a small clique of Counsel briefed by a few firms of speculative solicitors. As a pamphleteer of 1852 put it,

The public interest requires—the country is entitled to demand—that the course of justice shall be turned again and permitted to flow, without further interruption, in its ordinary and legitimate channels.⁴

The other main complaint, in the early days, was that estates were sold at ruinously low figures, so that not merely the owner but most of the puisne encumbrancers received nothing. Figures were quoted to show that land was sold for as little as eight or nine years' purchase. The Commissioners replied that eight or nine years' purchase of rack-rents which had never been fully paid since the famine was equal to twenty years' purchase of the rents actually received.

¹ I have not been able to see R. C. MacNevin's *The Practice of the Incumbered Estates Court in Ireland* (1854) or his *The Practice of the Landed Estates Court in Ireland* (1859). The British Museum's copies of these books, which would have been invaluable to me, were destroyed by enemy action during the late war.

² 21 and 22 Vict., c. 72.

³ See, for instance, *Parliamentary Debates*, 3rd ser., cxl. 184-214, 915-70; cl. 22-44, 1538-69.

⁴ *Ireland: The Incumbered Estates Court: Should it be Continued?* (Dublin, 1852), p. 62. This was a reply to *Ireland: Observations on the People, the Land and the Law in 1851, with especial reference to the Policy and Practice of the Incumbered Estates Court* (Dublin, 1851). There is an interesting article on the Court in the *Dublin University Magazine* of September 1850.

Encumbered landowners whose properties, as they alleged, had been knocked down for a song, voiced their complaints in the House of Lords. Their opponents pointed to other landowners, more alert or more unscrupulous, who had procured the sale of their own estates and bought them back, at perhaps half their value, at the expense of the encumbrancers.¹

We may deal with these two complaints at once. The hostility of the Irish Bar gradually disappeared, and it was Whiteside, one of the bitterest critics of the Court in its early days, who clothed it with respectability by the Act of 1858. On the second complaint, it seems very probable that in the first three or four years after 1849 great masses of land were flung recklessly on to a weak market to the loss or ruin of owners and encumbrancers. Before the middle of the 'fifties the price of land had risen substantially: early purchasers were able to see a profit; and owners who had succeeded so far in preventing the sale of their lands (sometimes, as in Kerry, by hiring mobs to drive away the surveyors)² were able to sell on reasonable terms. I am prepared to assume, although I cannot prove, that after some bad preliminary mistakes the Court had settled down into its place after a few years and was fulfilling satisfactorily the purposes for which it had been created.

But were these purposes sound? Did they constitute the grand remedy for the ills of the Irish agrarian system? That is a very different matter. It is notable that by 1870 opinion, which ten years before had been almost unanimous in praise of the act, was turning against it. Mill, in the 1871 edition of his *Principles of Political Economy*, could still describe the Encumbered Estates Act as the 'greatest boon ever conferred on Ireland by any government', but he printed in a footnote a letter from Cairnes which spoke of 'a class of men, not very numerous but sufficiently so to do mischief' who had acquired land through the Landed Estates Court and were 'of all classes . . . least likely to recognize the duties of a landlord's position'.³ W. F. Finlason⁴ and Chichester Fortescue⁵ were still stronger critics of the operation of the act,

¹ See Parliamentary Debates, 3rd ser., cviii. 815-19 (15 February 1850); cx. 100-17 (9 April 1850), 806-42 (25 April 1850); cxi. 932-43 (10 May 1850); cxiii. 910-27 (7 August 1850).

² T. M. Healy, *Letters and Letters of My Day* (1928), i. 27.

³ *Principles of Political Economy* by John Stuart Mill, ed. W. J. Ashley (1909), pp. 339 and 338 n. Ashley used the text of the 7th edition (1871).

⁴ *The History of the Law of Tenures of Land in England and Ireland* (1870), pp. 113-16.

⁵ Brit. Mus., Add. MS. 44,122 (Gladstone Papers, xxxvii), Fortescue to Gladstone, 17 November 1869.

and Gladstone's speech, in introducing the Land Act of 1870, showed that he had been influenced by Fortescue's reports.¹ Since that time the act has had many critics and few, if any, defenders.

The chief ground of criticism is that the new purchasers, intent only on securing the highest possible return for their money, treated their tenants far worse than the 'old gentry' had done. This may very well be so in many instances, but until one has followed the history of a number of estates in detail (which I have so far had no opportunity of doing) one is not entitled to accept it as a proved historical truth. For the present I prefer to base my criticism of the Encumbered Estates Act and of the policy of free trade in land on broader grounds. By 1858 the social revolution deliberately inaugurated in 1849 had resulted in the transfer of about a tenth of the total acreage of Ireland to new owners. The policy of free trade in land had had its chance and continued to have it under the Landed Estates Court. As the events of the later 'seventies and of the 'eighties were to show, it had decidedly failed to provide a solution of the Irish agrarian question.

It is arguable, indeed, that it had done worse than this; that by offering what was in effect a quack remedy it had prevented fundamental treatment of the disease.² One great weakness in remedial legislation for Ireland was that of timing. By the time Gladstone provided compensation for improvements in 1870 the Irish tenants were far more interested in the 'three F's'. By the time he provided the 'three F's' in 1881 their minds had turned to land purchase. Suppose—though here one enters the realm of speculation—that something like the Land Act of 1870 had been passed in 1849 when it would have gone a very considerable way towards meeting the demands of the Irish tenants. It is at least arguable that in such circumstances the Irish agrarian question might never

¹ *Parliamentary Debates*, 3rd ser., cxcix. 343-5.

² One notable omission in the Encumbered Estates Acts was that of any provisions facilitating purchases by tenants; and this despite some vague talk during the debates on the 1848 Act about creating a 'middle-class proprietary'. Henley pointed out, with his usual common sense, that division of the land among small owner-occupiers was incompatible with the introduction of capital on a large scale (*Parliamentary Debates*, 3rd ser., c. 595-6 [4 July 1848]). Some tenants bought their farms a short time before the 1858 Act; but this was regarded in the Commons as a gratifying surprise. In June 1851 T. McCullagh introduced an [Incumbered Estates (Leases) Bill to allow a tenant on an encumbered estate, when a sale had been ordered, to secure a lease in perpetuity on payment of a lump sum (*Parliamentary Debates*, 3rd ser., cxvii. 1230-9 [25 June 1851]). This is the first suggestion I have noticed of statutory facilities for and purchase. It met with overwhelming opposition.

have attained its later gravity and dimensions. I have no desire to underestimate the reasons which made it difficult to do in 1849 what was done, and then not without difficulty, in 1870. Indeed, I have dealt with them at perhaps excessive length. But I must add the policy of free trade in land to them. It seemed to provide a remedy when it did not; it allowed statesmen to turn aside from other and more contentious remedies with an easy conscience. Ireland was to have the benefit of the application of the most fashionable and progressive doctrine of the day in lavish measure. How could it ask for more? And when it had received that benefit it must cease demanding others inconsistent with it. Over and over again during the Irish debates in the 'fifties the point was made that retrospective compensation for improvements would be a gross injustice to purchasers under the Encumbered Estates Act who had been given a Parliamentary title without notice of such restrictions.¹ Gladstone clearly had some such point in mind when he wrote to Fortescue in November 1869,

We have done nothing touching the laws affecting the agricultural class except to aggravate the mischief at its sorest point by the Landed Estates Act and by the sale of the Tenant's improvements over his head.²

A false and untenable policy or even a reasonable policy carried too far does not merely work positive ill. An equally unfortunate consequence is that it tends to waste what little time there is for finding and pursuing the true policy.

¹ E.g. in the debates on Shee's Tenants' Improvements Compensation (Ireland) Bill, 19 June 1855 (*Parliamentary Debates*, 3rd ser., cxxxviii. 2230-40 (5 July 1855), and cxxxix. 464-86; on Maguire's Tenants' Compensation (Ireland) Bill, 14 May 1858, in *ibid.*, cxlix. 1046-97.

² Brit. Mus., Add. MS. 44,122 (Gladstone Papers, xxxvii), Gladstone to Fortescue, 25 November 1869.

ANGLO-SAXON POETRY AND THE HISTORIAN ¹

By MISS D. WHITELOCK, M.A., F.S.A., F.R.Hist.S.

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VERNACULAR poetry of the Anglo-Saxon period survives in considerable bulk—nearly thirty thousand lines. It is certainly a mere fraction of what once existed. What chance has preserved is not always just what one would have chosen, and its historical value is by no means proportional to its extent. It has not been neglected as a source for Anglo-Saxon history, and I do not claim that this paper is about to add to our knowledge of the period. Nevertheless, it may be of some interest to historians to consider both the value and the limitations of Old English verse literature as historical material. I am not concerned to-day with its literary merit, and I propose to narrow my subject by confining myself to English history. The importance of *Beowulf* and *Widsith* for the student of Scandinavian history is quite another story.

Moreover, I do not propose to linger over the poems that deal with events in Anglo-Saxon history; their importance for the historian is not problematic. The one which is perhaps most helpful in supplying historical fact is the little poem in the Anglo-Saxon Chronicle, on the redemption of the Five Boroughs in 942.² We should have known about the victory of Brunanburh in 937 and the defeat of Maldon in 991 even if the poems on these battles had not come down to us, though we should have missed some valuable light on the contemporary attitude to these events. The Maldon poem tells us much more than the mere fact—I shall return to it later; not least in importance is the unique piece of evidence it affords that King Ethelred's government, like Alfred a century earlier, found it expedient to take hostages from the Anglo-Danes of Northumbria to ensure their loyal behaviour to the English crown in the days of Viking menace: for surely the presence as a hostage in Byrhtnoth's following of a young member of a noble Northumbrian family allows of no other interpretation.³

¹ I cannot hope to refer to all previous utterances on the many topics touched on in this paper. There is a vast literature on *Beowulf* alone, and, though I have made a fairly extensive search, I may have missed references that draw attention to some of the parallels I cite.

² See A. Mawer, 'The Redemption of the Five Boroughs', *Eng. Hist. Rev.*, xxxviii. 551-7.

³ *The Battle of Maldon*, ll. 265-72.

My main concern is with the poems which do not deal with events in English history, although every now and then attempts are made to interpret them as if they did. Years ago, Earle tried to show that *Beowulf* fitted naturally into Mercian politics of the reign of Offa, and even went as far as to suggest that the poet was Archbishop Hygeberht of Lichfield.¹ There is no need to combat an old theory that has received little support, but this method of interpretation continues. In 1943 an attempt was made to put the poem into another setting of Mercian history. According to this theory, the poet composed the first part, which tells of the hero's successful exploits against two monsters, in order to strengthen the position of Beornwulf of Mercia, who apparently needed this bolstering up because he could not trace his direct paternal descent back to Woden.² The dragon episode, in which the hero has the help of his young kinsman Wiglaf, was then added in the reign of King Wiglaf, Beornwulf having fallen in battle in 823. The hero Beowulf was killed by the dragon; a dragon was the battle-standard of the West Saxons. It is somewhat inconvenient that the Anglo-Saxon Chronicle should say that it was the East Anglians who killed Beornwulf. Even if one gets round this by noting that they had asked for help from Egbert of Wessex, the parallel is not close: Beowulf and Wiglaf killed their dragon; Beornwulf did not destroy the West Saxon power. But it is hardly necessary to go to great trouble to refute a hypothesis that has nothing but a certain coincidence of names to support it, and that fails in any case to account for the greater part of the content of a rich poem. A ninth-century poet would surely have found a less tortuous method of praising a prince in his lifetime and commemorating him after his death.

Brandl had already made the assumption that the occurrence of the name Wiglaf in *Beowulf* indicated that the poem was composed in the reign of Wiglaf of Mercia (827-38).³ He saw a long panorama of Mercian history mirrored in the poem; Scyld, coming as a child mysteriously across the sea to win a mighty empire, represents Wulfhere, who, for the purposes of this theory and without any shred of evidence, we

¹ J. Earle, *The Deeds of Beowulf* (1892), pp. lxxxiii-c.

² G. Bond, 'Links between *Beowulf* and Mercian History', *Studies in Philology*, xl (1943), 481-93.

³ A. Brandl, 'Das Beowulfepos und die mercische Königskrisis um 700', *Forschungen und Fortschritte*, xii (1936), 165-8, translated as 'The Beowulf Epic and the Crisis in the Mercian Dynasty about the Year 700 A.D.', *Research and Progress*, ii. 195-203; 'Beowulf-Epos und Aeneis in systematischer Vergleichung', *Archiv. f. d. Stud. d. neu. Spr.*, clxxi (1937), 161-73.

are to assume brought help from Ireland in the cause of Mercian independence ; Heremod, a tyrannical ruler mentioned twice in *Beowulf*,¹ represents Penda and proves that he was remembered without honour by his own people. Now, though Heremod is referred to in allusive fashion only, it seems to me clear enough that he had been a youth of great promise and unusual strength, whose accession was eagerly desired by many people, who ' trusted that the prince's son should thrive, receive his father's rank, uphold the people, treasury and stronghold, the kingdom of warriors, the native land of the Scyldings '. But he disappointed them ; he grew up to be a ' life-sorrow ' and not a comfort to his people ; he developed a cruel disposition ; he did not distribute rings ' to obtain glory ' ; when angered, he destroyed his own close followers. Finally, he was betrayed into the power of the Jutes (or giants) and quickly destroyed, presumably by the Jutes (or giants), and his fate is made the text of a homily to Beowulf (then at the height of his success) on the dangers of pride and over-confidence in one's own powers. This does not seem to me particularly applicable to Penda. It is a somewhat forced interpretation to take, as Brandl does, the reference to the destruction of his comrades merely to mean that he led them unwisely to meet their death, i.e. at the battle of the *Winwaed*. Incidentally, Brandl thinks that we have a poem on this battle. We are told by Bede that when in 654 Penda was killed by Oswy of Northumbria, the River *Winwaed* overflowed its banks, with the result that more of the fugitives were drowned than slain by the sword. We are asked to believe that a Northumbrian poet, exulting at the discomfiture of an old enemy, called Penda Pharaoh, Oswy Moses, replaced the flooded *Winwaed* by the waters of the Red Sea, and thus gave us the poem we call *Exodus*. I do not propose to follow the ramifications of further theories of this kind, but I should like to illustrate the pitch of absurdity to which this kind of interpretation can lead by mentioning the suggestion that when the poet makes Beowulf's thanes desert him in his fight with the dragon, he is voicing contemporary disapproval of irresponsible kings and nobles who desert their duties in order to enter monasteries or go to Rome. There is evidence that some persons in the eighth century saw that excessive religious fervour could have undesirable practical results, but it is not in *Beowulf*.

It is possible to draw a closer historical parallel to Heremod. There is a resemblance between his career and that of Osred

¹ *Beowulf*, ll. 898-915, 1709-24.

of Northumbria, son of Aldfrith.¹ He was a child at his father's death, and many Northumbrians were anxious that he should succeed. Bede speaks of him as a young Josiah,² and Eddius tells how his supporters, besieged in Bamburgh, had vowed to do right to Bishop Wilfrid 'if God granted our royal boy his father's kingdom'³—words that recall those in *Beowulf* about the people who 'trusted that the prince's son should thrive, receive his father's rank', etc. Like Heremod, he proved a sad disappointment. A ninth-century Latin poem calls him intractable, uncontrolled, too warlike, confident in his own strength.⁴ He did not respect the nobles, he did not honour Christ as was fitting, but he spent his whole life in vain deeds. He slew many of his nobles and forced others to enter monasteries. And so, rightly, he came to an early and violent end. Boniface bears all this out; he writes in scathing terms of his lust and his licence, 'until by a mean and contemptible death he lost his glorious kingdom, his young life and his impure soul'.⁵ He was killed in 716 and Bede records this fact without comment.⁶ This seems to me as close a parallel as can be drawn between recorded history and Old English verse. I think it is nothing more than coincidence, entirely without significance for the study of either Anglo-Saxon history or of *Beowulf*.

I doubt the validity of this whole approach. Complicated political allegory would surely be an anachronism, and though it is possible, or indeed probable, that this or that incident in a poem would remind poet and audience alike of events within their own experience, we have no right to assume that the poet inserted the incident in question for that very reason. We should at least first consider whether its presence is not adequately accounted for by the artistic requirements of the subject; and even if we still suspect an intentional allusion to contemporary affairs, it is surely rash to assume that with our incomplete records we are in a position conclusively to identify the very event or situation that the poet has in mind.

¹ His career has been worked out by Sir Frank Stenton in the *Eng. Hist. Rev.*, xxxiii. 256 ff.; li. 161 ff. W. W. Lawrence, *Beowulf and Epic Tradition*, p. 276, mentions briefly the possibility that the poet may have had Osred, or else Ceolred of Mercia, in mind when writing about Heremod.

² *Bedas metrische Vita Sancti Cuthberti*, ed. W. Jaager, p. 100.

³ *The Life of Bishop Wilfrid by Eddius Stephanus*, ed. B. Colgrave, cap. lx. Here and on p. 90 I quote from Mr. Colgrave's translation.

⁴ *Æthelwulf, De Abbatibus*, ed. Arnold, *Symeonis Monachi Opera* (Rolls Series), i. 268.

⁵ See *S. Bonifatii et Lullii Epistolae*, ed. M. Tangl, pp. 152-3. I quote the translation by E. Kylie, *The English Correspondence of Saint Boniface*, p. 170.

⁶ *Hist. Eccles.*, v. 22.

There would have to be a coincidence of rare and individual features before one could feel convinced that identity was established. Not only do I think that such an identity has never been proved, but I think it unlikely that it ever will be. Old English poetry has a preference for the typical situation with a universal application. (One may note, for example, how the Old English poems on Guthlac omit all the precise detail of the Latin life.) My parallel with Osred fails to stand the test because in the first place the poet's choice of Heremod as a foil to Beowulf seems dictated by the reference to Sigemund that precedes his first occurrence—the thought of Sigemund seems to have led naturally to that of Heremod in the Teutonic mind, for reasons that are no longer clear; secondly, some traits of the Beowulfian sketch already belong to persons in Scandinavian legend who may correspond to him;¹ and finally, dare we assume that Osred was the only king in England to belie youthful promise? At the very most, one might suggest that the poet had embellished his account of Heremod with details drawn from the not dissimilar career of Osred, and even that could not be proved.

It is with reluctance that I reach this conclusion, for the identification would have been most useful in establishing the date of *Beowulf*. In general, Old English scholars have—rightly, it seems to me—ignored alleged allusions to contemporary events in their efforts to date the poems, though respect is sometimes paid to Foster's suggestion (1892) that the *Judith* was written in honour of Æthelflæd, Lady of the Mercians, a hypothesis as incapable of disproof as it is of proof. The dating of Old English poetry is, of course, one of our major problems. I will attempt an outline of the kinds of evidence on which the 'consensus of opinion', so often referred to in this connection, is based. In my opinion, the whole subject requires a thorough re-examination,² which is as far beyond my powers as it is beyond the limits of time that can reasonably be occupied by this paper.

We can start on firm ground. We know that vernacular poetry existed from very early times, and that in the latter

¹ For a summarized account, see *Beowulf and the Fight at Finnsburg*, ed. F. Klaeber (3rd ed., 1941), pp. 162-4, and J. Hoops, *Kommentar zum Beowulf* (1932), pp. 113-15.

² L. L. Schücking, in his interesting article 'Wann entstand der Beowulf? Glossen, Zweifel und Fragen', *Beiträge zur Gesch. d. deut. Spr.*, xlii (1917), 347-410, makes many sound observations on the subject of the dating of Old English poetry, although his tenth-century date for *Beowulf* has won little acceptance.

part of the seventh century it began to be used for religious themes. A very few small pieces have survived in an eighth-century form because, for one reason or another, they were inserted into Latin manuscripts, or, in one case, inscribed in runes on a monument. Asser, referring to the time of Alfred's boyhood, speaks of a manuscript of Anglo-Saxon poetry that had at least one impressive illuminated initial,¹ and about the same time the translator of Bede's *Ecclesiastical History* assumes that Caedmon's poems were written down from the first—as perhaps they were—when he says 'his teachers themselves wrote and learned them from his lips', where Bede merely has 'he made his teachers in their turn his hearers'.² But no manuscripts of Old English verse have come down to us from before the second half of the tenth century. The poems in the Chronicle, *The Battle of Maldon* and the *Metra* of Boethius can be dated within narrow limits, but the poems in the four great codices which contain the great bulk of Old English verse cannot be dated from external evidence, except that both *Guthlac A* and *Guthlac B* have probably used Felix's Latin life of the saint, of the second quarter of the eighth century,³ and that the paraphrase of an Old Saxon poem inserted into the Old English *Genesis* must be later than its ninth-century original. Two of the extant early pieces, namely the lines on the Ruthwell cross and the Leyden riddle, are repeated in the codices, and so confirm the belief based on linguistic grounds that the codices contain poetry of a much earlier date than that of their compilation.

The poems that contain the runic 'signatures' of Cynewulf, who is shown by his rhymes to have used an Anglian dialect, cannot be earlier than the later eighth century if he was a Mercian, for at an earlier date he would have spelt his name with an *i* and not *añ e*; if he was a Northumbrian, he must be put some way on in the ninth century, for the same reason, for Northumbria was much more conservative in its orthography.⁴ Dr. Sisam has demonstrated the error of the older assumption that learning was dead in Northumbria from the moment of the sack of Lindisfarne in 793. There is still more than half a century before the serious Viking ravages, which would have

¹ Asser, *Vita Alfredi Regis*, ed. W. H. Stevenson, p. 20.

² *Hist. Eccles.*, iv. 22. Cf. the Old English version, ed. J. Schipper (*Bibliothek der angelsächsischen Prosa*, iv), p. 486.

³ The life is dedicated to King Ælfwald of East Anglia, who died in 749. The terms in which the author refers to the fulfilment of Guthlac's prophecy about the success of Ethelbald of Mercia suggests that he was writing after the establishment of that king's hegemony about 730.

⁴ K. Sisam, 'Cynewulf and his Poetry', *Proceedings of the British Academy*, xviii (1932), 305-7.

made work of Cynewulf's type, to say the least, unlikely. It seems to me that if Cynewulf happened to be a native of West Mercia, an area which escaped the ravages and was able to supply scholars for Alfred's educational reforms, we could put him a little later still, for our only remaining criterion would be his superiority of technique over the datable tenth-century poems.

Linguistic criteria can be used to obtain a relative chronology of Old English poems.¹ There were certain arrangements of syllables that were avoided, and when some poems contain lines that are faulty as they stand but regular if an earlier linguistic form is substituted, it is reasonable to suppose that these poems are older than those which scan correctly without this substitution. But the tests have often been mechanically applied and discredit has been brought on the method. Tables of statistics have been drawn up, showing the percentage of lines requiring this correction in the various poems, though it should be obvious that this will not give a reliable chronological order. If a poet feels himself able to use two pronunciations of a word, the extent to which he avails himself of the opportunity may be a matter of personal choice; moreover, the possibility of a different textual history must be reckoned with, for some works may have been exposed to greater modernization than others. Attempts have been made to make these tests give an absolute as well as a relative chronology, but personally I should not care to dogmatize on the length of time a usage may continue in verse after it has ceased to be normal otherwise. The same caveats are necessary in dating from archaic syntax. It must also be noted that the practice of Old English poets of drawing on a store of traditional formulae would keep alive a familiarity with expressions no longer current. It is therefore only in its broad outlines, on the accumulative evidence of pronunciation, vocabulary and syntax, that dating from linguistic criteria can be accepted as valid. In agreement with most contemporary scholars, I should put *Beowulf*, *Exodus*, *Genesis A*, *Daniel* and some shorter poems before the work of Cynewulf, but I would not care to arrange them in order among themselves, or to assign them to a given quarter of a century, much less a decade, by reason of their language. I do not think that it can ever be proved beyond question that one extant poem has used another

¹ See R. W. Chambers, *Beowulf: an Introduction to the Study of the Poem* (2nd ed., 1932), pp. 104-12; R. Girvan, *Beowulf and the Seventh Century* (Methuen's Old English Library, 1935), pp. 1-25; and works there cited.

(e.g. that the *Beowulf* poet knew *Exodus*, or vice versa¹). One can make a case for the influence of *Beowulf* on *Andreas*,² a poem of the Cynewulfian type, or of *The Dream of the Rood* on *Guthlac B*, but it stops short of proof, and in any case would merely confirm an order suggested by other evidence.

A *terminus a quo* is given by the Christian nature of the poems, except for persons who believe that 'a monkish scribe' is responsible for the Christian references in the heroic and elegiac poetry. That Christianity is part of the very woof of *Beowulf* has surely been too firmly established to need any support from me³; and I am certainly not alone in my conviction that to regard *The Wanderer* and *The Seafarer* as essentially heathen poems to which a few conventional Christian sentiments have been added is to miss the point of the poems.⁴ If it is a reference to fate and an emphasis on stoic endurance that is held to indicate a pre-Christian origin for *The Wanderer*, what are we to make of the following:

Courage is best for the man who must often endure grief for his lord, must deeply ponder the sorrowful parting from his prince, when that time comes, woven by the decrees of fate: he knows that, who must grieve with a sad heart, knowing his gracious treasure-giver hidden (in the grave). He must wander thence, abject, downcast

and so on?⁵ It is very reminiscent of *The Wanderer* in its spirit, its reference to fate, even in its phrasing; but it happens to be the beginning of the speech in which St. Guthlac's disciple announces his master's death, and no one can claim this poem as a survival from heathen days. Far too much importance has been attached to the supposed heathen associations of the

¹ See F. Klaeber, 'Concerning the Relation between *Exodus* and *Beowulf*', *Mod. Lang. Notes*, xxxiii. 218-24; *ibid.*, 'Die ältere Genesis und der *Beowulf*', *Englische Studien*, xlii. 321-38; P. G. Thomas, '*Beowulf* and *Daniel A*', *Mod. Lang. Rev.*, viii. 537-9.

² This was suggested already by A. Fritzsche, *Das angelsächsische Gedicht Andreas und Cynewulf* (1879). See *Andreas and the Fates of the Apostles*, ed. G. P. Krapp, p. xxxiv; A. S. Cook, 'The O.E. Andreas and Bishop Acca of Hexham', *Transactions of the Connecticut Academy of Arts and Science*, xxvi. 270 ff.

³ See J. R. R. Tolkien, 'Beowulf: the Monsters and the Critics', *Proceedings of the British Academy*, xxii (1936), *passim*; F. Klaeber, 'Die christlichen Elemente im *Beowulf*', *Anglia*, xxxv (1911), 111-36, 249-70, 453-82; xxxvi (1912), 169-99.

⁴ See B. F. Huppé, 'The Wanderer: Theme and Structure', *Journal of English and German Philology*, xlii (1943), 516-38; O. S. Anderson, 'The Seafarer: an Interpretation', *K. Humanistiska Vetenskapssamfundets i Lund Årsberättelse*, 1937-8, and works there cited. I propose a different interpretation of this poem in a paper to appear in *The Early Cultures of North-West Europe* (H. M. Chadwick Memorial Studies).

⁵ *Guthlac*, ll. 1348-54.

Anglo-Saxon word for fate (*wyrd*). A very Christian poem, variously entitled *A Prayer*, *The Exile's Prayer*, or *Resignation*, ends 'Yet it is best, when a man cannot himself change *wyrd*, that he then endure it well.'¹ In many contexts, the word means nothing more than 'what happens'. In any case, the word will not date our poems. I do not myself believe in the Christian redactors who are supposed by some to have added a few lines about the transitory nature of earthly things to any poem they came across, no matter what its subject; I do not usually find these passages inferior and I doubt if an Anglo-Saxon audience felt them trite and conventional. They were perhaps more likely to find the heroic sentiments hackneyed.

As for *Beowulf*, about which controversy has raged most violently, the impression it makes on me is that, while it is earlier than *Cynewulf*, it has a long tradition of religious poetry behind it. It has expressions, many of them shared with the religious verse, that are most unlikely to have been first coined by a poet writing on a heroic theme; and, in fact, some of them fit a little awkwardly in their *Beowulfian* context. Moreover, the poet can count on his audience understanding his allusions to biblical stories and the metaphors of the homiletic tradition. Some ecclesiastical Latin loan-words have had time to be acclimatized, and a religiously-minded poet regards heathen burial customs, not as a threat to an insecurely established Christianity, but as the stuff of which poetry is made. Although I should be exercised to put a precise date to a period when this attitude would be possible, I feel sure that it is not seventh century, and I doubt whether it is early in the eighth. Even in Kent, which had had a longer start, Christianity was not a compulsory religion until the reign of Eorcenberht (640-64), and it was considered necessary to include penalties for heathen observance in the laws of Wihtred in 695. The people of Essex relapsed into paganism during the pestilence of 664.² A story in the *Life of St. Cuthbert* shows the populace of Northumbria hostile to Christianity about the middle of the seventh century,³ and Bede's letter to Archbishop Egbert in 734 makes one wonder if Christian teaching could have been so thorough in the remoter districts as to eradicate all heathen practices. The conversion of Sussex did not begin until 680,

¹ *Resignation*, ll. 117 ff., ed. G. P. Krapp and E. V. K. Dobbie, *The Exeter Book* (The Anglo-Saxon Poetic Records, ii), pp. 215-18; W. S. Mackie, *The Exeter Book, Part II* (Early English Text Society, vol. 194), pp. 164-71.

² *Hist. Eccles.*, iii. 30. A similar relapse in Northumbria is described by Bede in *Vita Sancti Cuthberti*, cap. ix.

³ Bede, *Vita Sancti Cuthberti*, cap. iii (ed. B. Colgrave, pp. 162-5).

and the Isle of Wight was heathen in 686. Cissa, who succeeded St. Guthlac at Crowland in 714, was unbaptized only a few years earlier.¹ I should therefore require strong evidence of early date to persuade me to put a tolerant interest in heathen burial rites into the early years of the eighth century. At that time, one would expect an assertive tone about the poem's Christianity; on the contrary, it sounds secure. The same consideration would prevent me from dating *Beowulf* in the Viking Age or later, when heathenism is again a menace, even if there were no other grounds for rejecting so late a date.

It is possible to exaggerate the Christian atmosphere of *Beowulf*. The poem is singularly free from the preoccupation with sinful humanity prominent in much Old English poetry, and the poet misses a great opportunity of administering Christian consolation when he lets his hero say to the bereaved Hrothgar:

Do not sorrow, wise man. Better it is for every man that he
avenge his friend than that he mourn much. Each of us must
experience an end to life in the world; let him who may achieve
fame before he die; that will be best for the lifeless warrior
afterwards.²

This is an epitome of the heroic view of life, though I doubt whether the poet's contemporaries would see a contradiction between it and their Christian duties. Vengeance was not so much the gratification of a personal grudge as a duty one owed to the community, for the maintenance of law and order; the virtues that bring one fame—or, preferably, a good reputation—are not necessarily different from those that lead one to the heavenly kingdom. Nevertheless, the *Beowulf* poet does not trouble to make it clear, as does the author of *The Seafarer*, that it is 'by valiant deeds against the devil' that a man should ensure 'that the sons of men may praise him afterwards and that his glory then live among the angels for ever and ever'.³

Great significance has sometimes been attached to the absence from *Beowulf* of any specific references to Christ or the Trinity.⁴ Others have made effective objections to this

¹ Felix, *Vita Sancti Guthlaci Confessoris* (ed. W. de G. Birch, *Memorials of St. Guthlac*), p. 51.

² *Beowulf*, ll. 1384-9.

³ See *The Seafarer*, ll. 72-9.

⁴ See H. M. Chadwick, 'Early National Poetry', *Camb. Hist. Eng. Lit.*, i. 30; F. A. Blackburn, 'The Christian Coloring in the *Beowulf*', *Publ. Mod. Lang. Assoc.*, xii. 205-25; J. R. Clark Hall, *Beowulf and the Finnsburg Fragment* (1901), p. xxviii.

view,¹ and I would only add that such references are not very common even in poems on definitely religious themes. For example, in *The Dream of the Rood*, out of thirty-five references to the divinity, only five refer specifically to the Second Person of the Trinity. If a poet whose theme is the Crucifixion shows a strong preference for expressions like 'God of Hosts', 'Ruler of Victories', 'Guardian of the Heavenly Kingdom', 'High Father', surely we need not explain the *Beowulf* poet's usage on the assumption either that he was recently converted and therefore somewhat vague on the central tenets of the Christian faith (while being well versed in the Old Testament and its implications), or, as has been more recently propounded, that he was so conscious that his characters were heathen, that, while he continually speaks (and lets his characters speak) of 'the King of Glory', 'the omnipotent Father', 'the Creator', 'the Ruler of the Heavens', 'the Judge of Deeds', 'the Lord of Life', and so on, he drew the line at terms such as 'Redeemer' or 'Son of God'.² It may be a legitimate conclusion that the common store of expressions for God had not yet been enriched with the paraphrases for Christ that occur in the verse of Cynewulf and his school. This would reinforce other evidence for dating *Beowulf* earlier than this, as also would the similarities in outlook shared by *Beowulf* and Felix's life of Guthlac, where the Old English poems based on this Latin life show a changed point of view. I hope some day to develop this point further.

There is a fallacy behind attempts to date the poetry from the social life it portrays. Professor Girvan, in a stimulating book that assembles much material for dating *Beowulf*, is arguing against an early seventh-century date when he dates the poem late seventh century from evidence that on the whole points to a later date still.³ The correspondencies which he notes between *Beowulf* and the Northumbria of Bede's day hold, and they could be added to. There is the scene in which the young followers of John of Beverley amuse themselves with horse-racing on a journey, to set beside the Beowulfian account of the joyous return from Grendel's mere.⁴ But such things do not prove the poet a contemporary of Bede. It is not the customs that came to an end with Bede's death, but our best source of evidence for them. If we had as full evidence

¹ Especially Chambers, *op. cit.*, pp. 125-8.

² *Ibid.*, p. 127; Tolkien, *op. cit.*, p. 296.

³ *Beowulf and the Seventh Century*.

⁴ *Hist. Eccles.*, v. 6; *Beowulf*, ll. 853-67; cf. A. S. Cook, 'The Possible Begetter of the O. E. *Beowulf* and *Widsith*', *Trans. of the Connecticut Academy of Arts and Science*, xxv. 335.

for the social life of the next hundred years, we might well find as many parallels with *Beowulf*. As a matter of fact, one can illustrate the customs and scenes of *Beowulf* from historical sources reaching over an embarrassingly long stretch of time: one can compare the dragon's lair with the description of the violated barrow in Felix's life of Guthlac; ¹ Hrothgar's coast-guard reminds us of Beaduheard, the reeve of Beorhtric of Wessex, whose inquiries into the business of 'the first ships of Danish men' led to his death between 789 and 802 ²; the gold-adorned hall, shining over many lands, recalls Asser's *aedificiis aureis et argenteis* ³; the bringing of the enemy's head to the king as a trophy is best paralleled in annal 1063 of the Anglo-Saxon Chronicle (D). ⁴ One is inclined to attribute to the poets an unerring instinct for avoiding reference to anything which can be closely dated, until one remembers how few institutions we can date within narrow limits. Nor are we, in my opinion, on firmer ground when we compare archaeological material. The terminology in the poems is not so precise—or at least, we cannot interpret it so precisely—as to allow of our stating with confidence that an object of a particular period is being described. Professor Girvan thinks that a sword-hilt now in the British Museum is of the type described in some detail in one passage in *Beowulf*, ⁵ but he adds 'It is later, a full century later, than the date suggested for the poem' (i.e. his date, late seventh century), and considers it 'a developed specimen of a known type'. Though I confess I feel rather drawn to the late date archaeologists give to this hilt—for it fits with the impression I get from other evidence—I would not build on it. The inexactitude of typological dating, the paucity of archaeological material after the close of the heathen period, and the uncertainty how far the poet is using traditional descriptive formulae, combine to shake one's confidence in results drawn from such comparisons. It is only against those who would favour a very early date for the poem that it is helpful to be able to point out that ships in *Beowulf* are sailing ships, for so they are in Bede; yet, the fact that in the ship-burial of Scyld he is placed by the mast,

¹ Felix, *op. cit.*, pp. 20 ff.; cf. *Beowulf*, ll. 2542-5, 2715-9.

² Anglo-Saxon Chronicle, a. 787; Ethelweard, *Chronicon* (ed. Savile), pp. 841 ff. Cf. *Beowulf*, ll. 229-319.

³ *Cap.* 91 (ed. Stevenson, p. 77). See also Stevenson's note, pp. 329-30, and F. Klaeber, *Beowulf and the Fight at Finnsburg*, p. 141. Cf. *Beowulf*, ll. 307-11.

⁴ Cf. *Beowulf*, ll. 1632-50.

⁵ Girvan, *op. cit.*, p. 39, refers to *Victoria County History of London*, i, plate facing p. 158.

whereas the Sutton Hoo ship was without a mast, may possibly have some bearing on my next point.

The view has been advanced more than once in late years that the poet is not describing contemporary conditions, but reconstructing a past age.¹ Schücking calls him 'a sort of Walter Scott'. Now it is obvious that when his legendary material forces him into describing customs no longer current, the poet has to rely on traditional accounts; but I share Professor Girvan's belief that otherwise, in expanding his material into a leisurely epic style, the poet drew largely on contemporary English conditions. I wonder if even the sophisticated *Beowulf* poet would be capable of the sophistication of attempting to reconstruct an age that was dead.

Various kings have been suggested as likely patrons of the *Beowulf* poet, but here again there are too many candidates for this line of inquiry to give profitable results. The favourite seems to be Aldfrith of Northumbria (685-705),² because he was a scholar and a correspondent of Aldhelm, and because it is often held that Northumbria was too unsettled after this date for a work like *Beowulf* to have been produced. If we must assume that the poem was first recited in the presence of an effective and religious king, are not the conditions also satisfied by Eadberht Eating, in whose reign of twenty-one years (737-58) successful wars were carried on against the British, while ecclesiastical affairs prospered under the care of Archbishop Egbert, the king's brother?³ This king, who retired into a monastery in 758, may well have taken an interest both in warlike deeds and religious sentiments, as they are combined in *Beowulf*. We cannot dismiss all the Northumbrian kings after Aldfrith as 'a line of incompetent and violent rulers'.⁴ What about Alfwald, that *rex pius et justus*, the scene of whose murder in 788 was marked by a miraculous light, and, more permanently, by a church in honour of St. Cuthbert and St. Oswald?⁵ But, of course, we have no right to assume a Northumbrian origin for the poem, or to ignore the claims of the great Mercian kings. One or two indications may point towards Mercia, but they do not add up to certainty, and I would not myself exclude Wessex, for I do not believe that

¹ Schücking, *op. cit.*, p. 393; Tolkien, *op. cit.*, pp. 270 ff.

² A. S. Cook, *op. cit.*, pp. 281-346; W. W. Lawrence, *Beowulf and Epic Tradition*, p. 274; Klaeber, *op. cit.*, pp. cxxii ff.

³ See *Continuatio Bedae*, ed. C. Plummer, *Baedae Opera Historica*, i. 362; *Historia Dunelmensis Ecclesiae*, ed. Arnold, *Symeonis Monachi Opera*, i. 47-9; Alcuin, *Carmen de Sanctis Eboracensis Ecclesiae*, ll. 1247-86.

⁴ Lawrence, *loc. cit.*

⁵ *Historia Regum*, ed. Arnold, *op. cit.*, ii. 52.

Anglian dialect forms in our manuscript can be proved to go back to the author. I can say this with more confidence since Dr. Sisam has dissociated himself from the prevalent opinion that poetry cannot be assigned to Wessex.¹ I might even extend my 'short list' of suitable monarchs to include Cynewulf of Wessex, who was concerned in donations to several religious houses, and corresponded with the missionary Lul.² When, after a long reign in which he fought many battles against the Welsh, he was killed in 786, his followers all remained true to the highest heroic ideals. But such idle speculation will lead us nowhere.

In short, objections can be raised to all arguments that claim to establish precise dates for Old English poetry. Some of them, for example the alleged implications of the reference to 'the Merovingian' in *Beowulf*,³ I have no time to discuss here. In order to get on to the content of the poems, I will end this sketchy survey with the negative conclusion that in the present state of our knowledge we must forgo the luxury of an exact date when using this type of evidence. It is necessary to state this, for among English literary scholars the view is becoming stereotyped that *Beowulf* belongs to the age of Bede, and I have even seen historians blamed for not including it in a survey of the work of this era. I think it is still open for the historian to reply: 'It may not belong there.' In view of the difficulties involved in using this type of evidence—and we have still to consider the part played by literary convention—you may wonder if the game is worth the candle. I can only choose a few illustrations of what can be got from it, and leave you to form your opinion.

With the help of Tacitus and Bede, of the laws and occasional statements in the chronicles, we know a good deal about the *Comitatus* system; but should we ever have guessed the emotional strength of the bond between lord and man if the poetry had not survived to give us laments for the dead lord like that in *The Wanderer* or the statements on the theme 'Such should a man be'? As is well known, such statements occur in the religious as well as in the secular poems, and if

¹ *Medium Ævum*, xiii. 32 note.

² W. de G. Birch, *Cartularium Saxonicum*, nos. 185, 186, 200, 224, 225, 249, 327; M. Tangl, *S. Bonifatii et Lullii Epistolae* (Mon. Germ. Hist., Epistolae, selectae, i), no. 139; *Two Cartularies of the Benedictine Abbeys of Muchelney and Athelney in the County of Somerset* (Somerset Record Society, xiv), p. 47.

³ See, e.g., Chambers, *op. cit.*, p. 487. The name may have stood in the source, presumably a poem, from which the poet and his audience derived their knowledge of the Hygelac incident.

the two passages I am about to quote had survived as fragments, we could not have assigned one to the followers of a Scandinavian king, the other to the disciples of an Apostle :

- (i) Whither shall we turn, lordless, sad-hearted, destitute of happiness, wounded by sin, if we desert thee ? We shall be hated in every land, despised by the peoples, when the brave sons of men deliberate which of them has always best supported his lord in battle, when hand and shield, beaten down by swords on the battle-plain, endured sore distress in the fight.¹
- (ii) Now for your race shall all receiving of treasure and gift of swords, all enjoyment of landed possession, all delight, be at an end. Each man of that kindred shall wander deprived of land-rights, when nobles afar off learn of your flight, your inglorious deed. Death is better for every man than a life of reproach.²

To these quotations I would add a third :

- (iii) If laymen, ignorant of the divine knowledge, abandon the faithful lord whom they have loved during his prosperity, when his good-fortune has come to an end and adversity befallen him, and prefer the safe ease of their sweet native land to the afflictions of their exiled lord, are they not treated by everyone with hateful jeering, ridicule, loud execration ? What then will be said of you if you should let the pontiff who has fostered you and raised you go into exile alone ?

This, of course, is not from an Old English poem. It is from a letter of Aldhelm to Bishop Wilfrid's clergy, preserved by William of Malmesbury.³ I quote it because of its bearing on the question : Are the sentiments in the poems really representative of contemporary opinion ? It makes it so clear that they are, at any rate in Aldhelm's day—otherwise his appeal would have been pointless—that it is unnecessary for me to compile a list of historical instances of loyalty to a lord, such as the death of all King Ecgfrith's bodyguard at Nechtansmere in 685,⁴ or the more circumstantial and better-known story of devotion entered under annal 755 in the Anglo-Saxon Chronicle.

It is extremely important that we should possess this confirmation from non-poetic sources, for the sentiments are

¹ *Andreas*, ll. 405-14.

² *Beowulf*, ll. 2884-91.

³ *Gesta Pontificum Anglorum*, ed. N. E. S. A. Hamilton, p. 339. This passage was noticed by P. F. Jones, *Mod. Lang. Notes*, xlvii. 378, who does not, however, point out its main significance.

⁴ Bede, *Vita Sancti Cuthberti*, cap. xxvii (ed. Colgrave, p. 249).

so close to those attributed to the Germans of the first century by Tacitus that we might have suspected that our poems were handing on a poetic convention that no longer agreed with contemporary conditions. There is one other parallel between a historical situation and an Old English poem to which I would like to refer before I leave this topic. One of the most famous passages in literature is that which describes how, after their lord is dead, the thanes at Maldon one after one vowed that they would not flee one step from a fight that was now hopeless; 'they all desired one of two things, to lose their lives or avenge their dear lord'.¹ I suggest that we should compare the position when in 666 Bishop Wilfrid's followers 'brave in heart though but few in number (there were 120 of them)', were attacked by an overwhelming host of South Saxons; they 'formed a plan and made a compact that none should turn his back upon another in flight, but that they would either win death with honour or life with victory'.² If the biographer had chosen to record the speeches of the individuals, I suspect they would have been on very similar lines to those of the men of Maldon. It is a long jump from 666 to 991—such things could have become part of the conventional machinery of a battle-piece, but we see that at least there was a time in Anglo-Saxon history when they were real, and one can bridge the gap a little by noting that at the turn of the ninth century men still made 'boasts' in formal words; the atheling who was claiming the West Saxon throne in 900 shut himself up in Wimborne and swore that 'he would live there or lie there'.³ The chronicler who goes on to add 'and meanwhile he stole away by night' makes no comment. It was not his habit, and it was unnecessary; the act spoke for itself.

In the poems the man owes an undying loyalty to his lord in return for gifts of horses and treasure. It is common knowledge that this custom gave rise to the heriot, but I have never seen reference made to the most interesting of passages in this connection. It comes from *The Harrowing of Hell*, and the speaker is one of the patriarchs in Limbo, who is welcoming Christ: 'I have suffered much since once thou didst come to me, when thou gavest me sword and corselet, helmet and armour. I have held it ever since till now.'⁴ In such a con-

¹ *The Battle of Maldon*, ll. 207 ff.

² *The Life of Bishop Wilfrid by Eddius Stephanus*, cap. xiii (ed. B. Colgrave, p. 29).

³ Anglo-Saxon Chronicle, a. 901. A very similar formula is used twice in *King Alfred's Orosius*, ed. H. Sweet, pp. 138, 190.

⁴ *The Harrowing of Hell*, ll. 70-3.

text the symbolic significance of the gift of arms is very clear. It helps us to understand why the heriot continued so long to be paid in kind.

The great importance of the other main tie of early society, the bond of kinship, could also be illustrated from the poems. Like other Germanic peoples, the English were fond of stories concerned with vengeance for the slaying of kinsmen. But I will confine myself to the suggestion that we are perhaps over-ready to think of the bond exclusively in relation to this grim duty, instead of to the more normal affairs of life. It is not primarily vengeance that the Gnostic poet has in mind when he says :

Wretched is he who must live alone ; fate has ordained him to remain friendless. It would be better for him that he had a brother, and that they were both the sons of the same man, if they should attack a boar or both of them ¹ a bear ; that is a beast with cruel paws. Let those warriors always bear arms and sleep in company. Never let them be separated at an assembly until death part them.²

We do not need the poems to tell us that the lot of the lordless, kinless man was unenviable ; yet I am grateful for the succinct comment of the Exeter Gnomes :

The friendless, unhappy man will take wolves as his companions, very treacherous beasts. Full oft that companion rends him.

One must not expect of it the offices of a friend :

There shall be terror of the grey beast, a grave for the dead man ; it is for hunger that it laments, it does not at all encircle the grave with lamentation, nor indeed does the grey wolf weep the slaughter, the murder of men, but ever wishes it greater.³

As Professor Mackie realized, this implies that the encircling of Beowulf's funeral mound by his mourning followers was an ordinary part of a funeral ceremony. We need not go as far afield as the burial of Attila.⁴

One can get from the poetry a vivid, if one-sided, picture of the fighting classes, especially of the ' joys of the hall '. In *Beowulf* these took place with decorum—the situation is uncommon enough for the poet to comment on it, and perhaps

¹ MS. *begen*. But could it be for *bēgan* (W. Sax. *bīegan*) ' to subdue ' ?

² *Exeter Gnostic Poem*, ll. 172–80. The passage is obscure in some minor points. I have accepted Mackie's rendering.

³ *Ibid.*, ll. 146–51. Cf. W. S. Mackie, *Mod. Lang. Notes*, xl. 91 ff. His view is not accepted by Klaeber, ' Attila's and Beowulf's Funeral ', *Publ. Mod. Lang. Assoc.*, xlii. 265 note.

⁴ See H. M. Chadwick, *The Heroic Age*, p. 53 ; Klaeber, *op. cit.*, 255–67.

is what has given rise to theories that the poem was composed for the education of the young¹—but there are passages elsewhere that could be read as a commentary on the law which imposes heavy fines for fighting in other people's houses, notably the devil's boast in *Juliana* of how he makes men drunk in order to renew old grudges in the wine-hall,² or the fate of the man who was too 'hasty of speech' in *The Fortunes of Men*.³ In this poem and *The Gifts of Men*, in the catalogue included in Cynewulf's *Christ*, in the Gnostic poetry and the *Runic Poem* and the riddles, one can get some glimpses of the peace-time activities of ordinary men and women. There are passages that show appreciation of peaceful settlement and reconciliations: 'Wise man shall hold a meeting with wise man; their temper is alike; they ever settle strife and advise peace which wretched men have destroyed.'⁴ Or: 'Just as the sea is calm when the wind does not rouse it, so are peoples peaceful when they have come to terms.'⁵

There are sketches of various occupations:

To one man is supplied a wonderful gift in the goldsmith's craft; full often he, the man of a mighty king, hardens and adorns well, and he gives him broad lands in recompense. He receives it joyfully.⁶

Or

One can wondrously plan the building of every kind of lofty structure. As befits a craftsman, his hand, skilled and powerful, is taught to set up a hall. He knows how to secure firmly the spacious building against sudden fall.⁷

There are similar vignettes of the minstrel and the dicer, of the huntsman and the falconer, the seaman and the weapon-smith. The preacher, the scribe, the scholar, the chanter in church, all receive a passing mention. There is the counsellor 'who in the council of wise men knows how to determine the custom of the people',⁸ and there is the man 'who knows the laws, where men deliberate'⁹; he must have known that mass of customary law that has not come down to us. I have tried to squeeze something about the law of inheritance out of the

¹ J. Earle, *The Deeds of Beowulf* (1892), pp. lxxxiii.-c, suggests that it was composed for the education of Offa's son Ecgrith; Schücking, *op. cit.*, pp. 400, 407, for a prince of an Anglo-Scandinavian house in the Danelaw.

² *Juliana*, ll. 483-90.

³ *The Fortunes of Men*, ll. 48-50; cf. also *Vainglory* (*Be Manna Mod*), ll. 9-21; *Judith*, ll. 15-32.

⁴ *Exeter Gnostic Poem*, ll. 18-21.

⁵ *The Fortunes of Men*, ll. 72-6.

⁶ *Ibid.*, ll. 41-3.

⁷ *Ibid.*, ll. 54-6.

⁸ *The Gifts of Men*, ll. 44-8.

⁹ *Ibid.*, ll. 72 f.

matter with which the *Genesis* poet fills out his genealogies for metrical reasons, e.g. 'In succession to his father, Cush was chief leader of the nobles and distributor to his brothers of joys and worldly dignities, of treasures of the household', or 'His eldest son then ruled the hereditary seat'.¹ But it does not get us very far.

Even scattered words and phrases may be significant. The one reference to *folcland* in verse² is, as Sir Frank Stenton has said, unhelpful, but ought we to include in a discussion of this term the troublesome *Beowulf* line 'except the *folcscaru* and the lives of men'?³ Is it worth noting, when considering the relation of the English invaders to their Celtic predecessors, that menial tasks in the riddles are done by black, dark-hued, or dark-haired *Wealas*?⁴ As has often been noted, we can glimpse the awe inspired in the early settlers by the monumental remains of Roman civilization by the term 'work of giants' used several times to refer to them.⁵ The whole long story of man's encroachment on the waste can be packed by the Anglo-Saxons into a single kenning: the man who drives the plough is called *har holtes feond*, 'the old enemy of the forest'.⁶ It may be of importance for the history of English seamanship to note that the Gnostic poet assumes that a homecoming sailor will return to a Frisian wife.⁷

Certainly, the general picture that we can form of how the Anglo-Saxons lived and thought would be much poorer without the verse literature. Even that dullest of all poems, the recently discovered *Fasting Seasons*, is enlivened by the sudden vivid sketch of the gluttonous priests who, impelled by thirst, hasten straight from mass down the street to the tavern-keeper, to persuade him that even in the morning hours, in Lent, he can supply them with oysters and good wine without peril to his soul.⁸

A much more effective piece of realism is the grim description of the thief on the gallows in *The Fortunes of Men*:

Another shall swing on the wide gallows, hang dead until the casket of his soul, his bleeding body, is rent to pieces. There

¹ *Genesis*, ll. 1619-22, 1628 f.

² *The Wife's Complaint*, l. 47.

³ *Beowulf*, l. 73.

⁴ *Riddles of the Exeter Book*, No. 12 (as numbered in recent editions), ll. 4, 8; no. 52, l. 6.

⁵ *Cotton Gnostic Poem*, l. 2; *The Wanderer*, l. 87; *Andreas*, ll. 1235, 1495; *The Ruin*, l. 2.

⁶ *Riddles of the Exeter Book*, No. 21, l. 3.

⁷ *Exeter Gnostic Poem*, ll. 94-9.

⁸ *Poem on the Fasting Seasons*, ed. E. V. K. Dobbie, *The Anglo-Saxon Minor Poems* (The Anglo-Saxon Poetic Records, vi), ll. 208-20.

the raven takes the eyes from his head, the dark-coated bird tears at the corpse ; nor can he ward off with his hands the outrage of the hateful flying foe. His life is gone, and he, without feeling, and past hope of life, pale on the gallows-tree, endures his fate, enveloped in the mist of death. His name is accursed.¹

I have chosen this passage as my final illustration because it brings home to us so forcibly what dry documents such as the laws dealing with theft could mean to the human beings concerned. Old English poetry will not let us into the secrets of contemporary politics ; it will not tell us what the Mercians thought of Penda, nor Offa's views on the education of his son. The sum total of new facts that it supplies may be unimpressive. But if, in spite of arid stretches of pious aspiration and vague moral exhortation, it can on occasion make us look at Anglo-Saxon society through a contemporary's eyes, I submit that, even from a historian's point of view, the labour we expend on its interpretation can be justified.

¹ *The Fortunes of Men*, ll. 33-43, as translated by Mackie, *op. cit.*, p. 29.

LORD BURGHLEY AS MASTER OF THE COURT OF WARDS, 1561-98

By J. HURSTFIELD, B.A., F.R.Hist.S.

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A FEATURE of English social life in the sixteenth century which aroused the curiosity of foreigners and the bitterness of Englishmen was the royal right of wardship and marriage. Since 1540 this right had been safeguarded with the full apparatus of a specially constituted court of law under the direction of a high official as its master and judge.¹ Twenty years after the creation of the Court of Wards and Liveries, William Cecil, later Lord Burghley, became its master²; and he held that office from January 1561 until his death in August 1598, a period of more than thirty-seven years. The court itself remained in existence, in spite of an increasing volume of criticism, until the Civil War, when it was formally abolished by the Long Parliament in 1646.³ Thus, for more than a third of its existence of 106 years Burghley was its master; and since, after an interregnum of nine months, he was succeeded by his son Robert, the Cecil family in effect controlled its destinies for more than half a century. In the process they, and the court they directed, left their mark upon the society and economy of their age.

Clearly, long before Burghley assumed his office these feudal claims of the crown had lost every vestige of their initial justification. In the first century after the Norman Conquest it could be argued, on the basis of the contractual relationship between the king and his military tenants, that he had certain legitimate and logical rights when the succession to a piece of land passed to a minor. By the middle of the thirteenth century these rights had already been shorn of their original validity. Wardship had come to mean in practice the authority to seize and exploit the land at the expense of the minor; and his marriage was being sold in the open market. By now, as Professor Plucknett reminds us, 'knight service remained as only a troublesome but lucrative anachron-

¹ 32 Hen. VIII. c. 46. In 1542 the granting of liveries was brought into the jurisdiction of the Court of Wards (33 Hen. VIII. c. 22).

² P.R.O. Court of Wards Miscellaneous Books (Wards 9, 104, fos. 114v-115r).

³ *Acts and Ordinances of the Interregnum*, ed. C. H. Firth and R. S. Rait (1911), i. 833.

ism'.¹ By the sixteenth century even less of the original character of these incidents survived; but the ministers of Henry VII and Henry VIII had zealously, and with considerable success, striven to infuse new life into them.² The periodic searching out and enrolment of the military tenures in chief and the increasing use of feodaries for the purpose revived royal demands which had, in some cases, been in abeyance for generations. These powers had moreover long been translated into financial terms. They were being sold and re-sold like merchandise and were much prized. The purchaser gained for one of his relations a desirable marriage, often bringing with it the broad acres and the social standing of a county family; or the purchaser in turn sold the marriage to someone else with daughters and ambitions. In addition, the guardian usually, though not invariably, obtained the lease of the ward's lands at favourable terms. The ward was, in theory, safeguarded against a marriage below his station and against the abuse of his lands; but it would have been an onerous and expensive process when he came of age to take suit against his guardian. Male heirs under 21 or females under 16 at the time of their father's death were alike liable to at least as heavy a burden as their counterparts had experienced in the heyday of feudalism.

This intensification of the royal authority occurred at a time when the similar rights enjoyed by tenants in chief in respect of *their* tenants were passing into desuetude. Only scanty evidence of the exercise of these rights has survived. So the tenant in chief, sometimes a great lord but more often a person of moderate means, was liable to these heavy, although irregular, charges, and to the various other incidents of primer seisin, ouster-le-mayne and livery, while he rarely recouped himself in any comparable fashion at the expense of his tenant. Meanwhile, the great redistribution of land arising from the dissolution of the monasteries had vastly increased the area held by knight service in chief, since that was the tenure most frequently created at the time of the sale.³

It is customary to speak of these elements of the royal

¹ *A Concise History of the Common Law* (2nd edn., 1936), p. 477.

² Cf. D. M. Brodie, 'Edmund Dudley: minister of Henry VII' (*Trans. R. Hist. Soc.*, 4th ser. xv (1932), 133-61); Helen M. Cam, 'The decline and fall of English feudalism' (*History*, N.S. xxv (1940-41), 216-33); W. C. Richardson, 'The surveyor of the king's prerogative' (*Eng. Hist. Rev.*, lvi (1941), 52-75). I am also indebted to Professor Richardson for lending me the relevant sections of his forthcoming book on early Tudor chamber administration.

³ Cf. the present writer's article on 'The Greenwich tenures of Edward VI's reign' (*Law Quarterly Review*, lxx. 72-81).

revenue as feudal exactions ; and in the eyes of the victims that is exactly what they were. These 'casualties', to use the feudal term, were sudden ; they descended upon the stricken family at precisely the time when it needed help, not the aggressive and powerful intervention of a royal official and, after him, of some grasping landlord who used his temporary authority to exhaust the land and enforce a marriage upon the heir. In addition, when he came of age he could not enter upon his estate until he had paid heavy dues to the crown, dues which recalled the ancient formalities of homage and livery which had long since ceased to be performed. Thus, however small the proportion of a man's inheritance that was held by knight service of the crown, he was liable to heavy expenditure and, if he was a minor, he had to run the gauntlet of merciless though venal officials, of covetous neighbours, an exploiting landlord and possibly a mercenary guardian. His inheritance might consist, a contemporary tells us, of 'woods decayed, old howses, stock waisted, land plowed to the bare'.¹

Before, however, we accept at their face value the contemporary denunciation of these 'exactions' we must consider what part they played in the economy of the day. At a time of rising expenditure, whether for defence, administration or display, the Tudor monarchy had no easy access to the sources of national wealth. There was indirect taxation, in the shape of customs dues, which fluctuated widely with the changing conditions of overseas trade ; there was direct taxation, obtained from reluctant parliaments in tenths, fifteenths and subsidies, which were granted only to meet emergencies and which often failed to reach the estimated amounts ; there was the royal income from land, but the real value of rents shrank as prices rose ; there were loans, either forced or voluntary, which could only bring a short term relief, and which if employed intemperately could consume the royal estate at a galloping pace. There were finally the revenues to which the crown had access as the greatest feudal landlord. The non-feudal sources of income which I have listed were inadequate, and increasingly inadequate, to enable the crown to meet its commitments as head of a modern nation state. The crown was bearing a heavier financial burden than in the past, but it was unable to obtain an adequate share in the general rise in the national income. This disparity, as we know, obliged the first two Stuarts to indulge in various experiments, both financial and political, which in time

¹ Brit. Mus., Lansdowne MS. 121, fo. 30r.

plunged the country into civil war and in the end changed the whole fabric of the English kingship. The attention directed to the collection and expansion of the feudal profits, including those coming from wardship and marriage, was part of the attempt to bridge the widening gap between income and expenditure. But the feudal machine was antiquated in its form and meaning, and perforce inequitable and clumsy in its impact upon the social and economic life of the state. It squeezed the landowning classes at a time when they were feeling the effects of those same economic changes which were driving the crown along the path it was taking. In attempting to solve a fiscal problem, which had in fact become insoluble in terms of the existing order, the crown was obliged to employ, as long as it was able, the defective and unpopular feudal means it had to hand.

It was in such a complex situation that William Cecil became master of the Court of Wards in 1561. He was already secretary of state and familiar with the grave political and financial problems which faced the new government of Queen Elizabeth. The war with Scotland had just ended, the currency crisis was at its height and, at any moment, the country might be involved in a life and death struggle with France, Spain, or, if the nightmare should materialize, Catholic Europe as a whole. Survival in that case would depend upon armies and allies adequately paid and supplied. Thus his main task was to extract the maximum revenue from the sales of wardships, the leases of wards' lands and other dues, so that the institution which he directed might make a notable contribution to the requirements of government. But there were possible limitations upon his achievements in this respect. In the first place, in keeping with the spirit of the age, and in view of the purely nominal payments he received for his high offices, he might choose to divert part of the Court's revenues into his private purse. Secondly, he needed to administer the Court, which was a court of law no less than a financial organ, with efficiency and justice. Though he was bound to press the royal demands, it was still necessary to reform abuses and to reduce legitimate complaints to the minimum. We may perhaps examine the success of his mastership with these considerations in our minds.

Before considering the revenues of the Court of Wards we must notice that it drew its income from various sources. Only part of it came from the sales of wardships, which included the right of marriage; more came from the leasing of wards' lands, which was treated as a separate transaction and which

involved an initial fine for the lease as well as an annual rent ; and further large amounts came from the payments for suing livery when the heir took over his inheritance. There were also other sums collected by the Court, such as the licences for widows' marriages, the payments for mean rates between the succession to the land and the suit of livery, and the fines imposed upon sheriffs for failing to make proper returns or for other delinquencies. But the sums contributed from these sources were comparatively small.¹ The master of wards was also concerned with the affairs of idiots and lunatics, whose control had been transferred from Chancery for administrative convenience. These were a source of neither great income nor great abuse.

By what means, and to what extent, did Burghley succeed in maintaining or increasing the profits of the Court of Wards ? The fundamental problem, of course, was to track down the wardships which in fact had arisen but were not revealed to the crown officers. This searching out of concealed wardships continued unremittingly under Burghley's direction, but it encountered the skilful resistance of the landed gentry. For example, many tenants in chief took the precaution of summoning legal aid to create elaborate conveyances of their land, so that at their deaths crown officials were forced to penetrate through a wilderness of technicalities before they could enter into the promised land of a wardship. The crown then claimed one third of the total inheritance, however small the proportion held by knight service ; but all manner of devices were adopted to disguise either the real owner or the real tenure. Burghley and the other officers of the Court waged an unending battle against this, but the genius of many a Tudor lawyer made it impossible to bring their evasions within the framework of the law. In 1571 an act was passed against fraudulent conveyancing.² Legislation was examined by Burghley in 1572,³ and a further statute was passed in 1585,⁴ but these measures always proved insufficient to block

¹ If we take the income of the Court of Wards for the first year of Queen Elizabeth's reign, the revenues were as follows: sales of wardships, £5,003.10.0 ; feodaries' payments (consisting largely of rents for wards' lands), £10,124.12.5½ ; fines for leases, £350.10.2½ ; payments for liveries, £5,760.13.11 ; mean rates, £624.16.11 ; sheriffs' fines, £115.5.6 ; licences for widows' marriages, £18 ; arrears, £404.10.11. The gross revenue thus amounted to £22,401.19.11, the nett revenue, after expenses had been paid, to £20,290.1.10½ (Wards 9,369).

² 13 Eliz. c. 5.

³ S. P. Dom. Eliz. 88, nos. 14-16. One copy of the draft bill (No. 15) has various alterations in Cecil's hand ; but the statute dealing with collusion in conveyancing passed in that year (14 Eliz. c. 8) was not the result of this draft bill.

⁴ 27 Eliz. c. 4.

all the loopholes in what had become a veritable black market in land. Yet many such attempts to defraud the queen were tracked down, and the successes were recorded in the margins of the feodaries' surveys with a laconic 'nevertheless the queen shall have her third part'. These efforts were being made along with the more ambitious programme of the government to discover concealed lands and defective titles from which rents, escheats, wardships and other profits might accrue to the crown.¹

But apart from these subterfuges, there existed in some areas a virtual conspiracy of silence to suppress the news that a wardship had arisen. We know this because a number of years sometimes elapsed between the death of the tenant and the holding of the *inquisitio post mortem*. In one case there was a gap of nearly seventeen years between the death of the father and the sale of his son's wardship.² 'I will forbear', wrote an early seventeenth-century steward of Lord Bergavenny, 'to sett downe either the persons or the particuler names of the lande for that peradventure it may preiudice some in their tenures who had rather holde of mesne Lordes by socage tenure then of the Kinge in capite'.³ To penetrate this veil of secrecy Burghley relied upon three main groups of people: first, men who were virtually professional informers; secondly, local gentry and others who were anxious to obtain the wardship or some other favour; and, lastly, the feodaries.

The informers were probably the least important of them all. From time to time petitioners approached Burghley for special authority to search out concealed wardships. One of these petitioners, the industrious William Herle, asked that a post to be called 'the whole feodariship of Wales' should be bestowed upon him, an office which he disingenuously described as 'more painfull than profitable'. By means of it he proposed to remind the Welsh gentry 'that they holde in Capite since King Edward of most gloryous memory the first'.⁴ Another suitor wrote to Burghley asking to be made custodian of records of 'descents', and a third to be registrar of births, deaths and marriages.⁵ We know that two men were granted a patent in 1575 to search out wardships concealed

¹ Cf. the returns to the enquiries into concealments in the P.R.O. Records of the Exchequer, Augmentations Office (E. 302/1).

² Court of Wards Feodaries' Surveys (Wards 5, 11), No. 1960.

³ *The Book of John Rowe*, ed. W. H. Godfrey (Sussex Rec. Soc., xxxiv, 1928), pp. 136-7.

⁴ Lansdowne MS. 18, fos. 87v-88r.

⁵ Lansdowne MSS. 43, fos. 61r-62v; 64, fo. 82r.

since 1538¹; later Peter Osborne, an agent of Burghley's, was engaged in this work,² and he and others certainly succeeded in bringing a number of wardships to light. As reward they received either special favours, or the grant of the wardship at reduced terms or, occasionally, payments of money from the revenue of the Court. These payments are to be found amongst the receiver-general's accounts³ but they do not occur very frequently. There is hardly likely to have been much scope for a professional informer if he strayed very far from his native heath. Informers made their contribution in discovering concealments, but it was a comparatively small one.

More valuable as a source of information were the interested parties in the locality who, in their desire to lay claim to a wardship in a highly competitive market, hastened to transmit to London the news that a tenant in chief had died leaving a minor. Indeed they often applied for a wardship while there was still breath in the father's body; and the Court of Wards itself on at least one occasion granted a wardship before the death of the father and then had to cancel its decision when he made an untimely recovery.⁴ It is not surprising that the recorder of Leicester, excusing himself on account of illness from attending the assizes, added that he was obliged to take especial care of his health 'for that I am informed the wardshipp of my eldest sonne is allreadie begged yf I dye'.⁵ The eagerness with which wardships were sought provided Burghley with a continuous flow of information about changes in the tenants of the crown; and, as the Hatfield and Lansdowne manuscripts reveal, Robert Cecil and, even more so Burghley's secretary, Michael Hicks, were receiving advance obituary notices of the landowners in the shires. Moreover, the tradition that applications to the master for wardships usually had to go through a courtier created in London a vast clearing house of information and served to keep the Court of Wards in close touch with the provinces.

But far more important than either of these channels of information were the feodaries. They had been employed in the duchy of Lancaster as early as the fourteenth century, but it was as officials of the Court of Wards, each responsible for one county,⁶ that they developed to their fullest stature.

¹ Wards 9, 106, fos. 517v-521v; S. P. Dom. Eliz. (Addenda) 24, no. 37.

² Hist. MSS. Comm., *Cal. of Hatfield MSS.*, ii. 171.

³ E.g. Wards 9, 369, fo. 53r; 9, 388, fo. 228v; 9, 517, fo. 169r.

⁴ Wards 9, 154; Dorset (Strangeways), 27 Aug. 38 Hen. VIII.

⁵ *Records of the Borough of Leicester*, ed. Mary Bateson (Cambridge, 1905), iii. 278.

⁶ Except in the case of Yorkshire, which had one for each riding, and in the case of the smaller counties where two might be joined under one feodary.

They at once took over from the escheators much of their work, though the latter still nominally retained responsibility for escheats to the crown and for holding inquests upon deceased tenants in chief. The escheatorship was an annual appointment and the office circulated amongst the local gentry, whose interests might naturally conflict with the feudal claims of the crown. The returns the escheator made to the *inquisitiones post mortem* were suspect; the values he set upon the land were usually far below their market value; while friendship or bribery might altogether deprive the crown of its wardship.

For all these reasons Burghley, as well as his predecessors, refused to rely upon these returns by inquest. As a check upon them the feodaries were instructed to hold surveys of their own, and the master would not normally grant a wardship until he was in possession of such a survey. Burghley usually had it before him when selling a wardship, and we find the details of the sales in his own handwriting upon the surveys. The valuations were usually higher than those given in the inquisitions, and the differences in most cases produced corresponding rises in the purchase prices of the wardships as well as in the rents of the lands. Lord Bergavenny's steward, in the passage already cited,¹ justified the secrecy with which he sheltered the tenants in his district on the grounds that 'the escheators and feodaries of these times haue Argus eyes peircinge into all conveyances'. Peter Osborne, however, argued that more wardships would be discovered 'if only the feodaries of the court will be true and honest'.² Clearly they were zealous and loyal in many cases; but they too had their price.

This, then, was one side of Burghley's activities: to use every means and every person for keeping himself informed of wardships which had arisen or were likely to arise. Yet in spite of this the nett income of the Court of Wards showed no increase throughout the whole period of his mastership. On the contrary, we find a marked fall. In the first year of Elizabeth's reign the nett income stood at £20,290.³ In the following year, just before Burghley became master, it rose to

¹ Above, p. 100.

² *Cal. of Hatfield MSS.*, ii. 171.

³ The figures in this paragraph are based upon the Receiver-General's Accounts, Series C, Wards 9,369 ff., and are given to the nearest pound. The nett income is obtained by subtracting from the gross income the expenditure upon fees, diet, annuities, jointures and repairs. From the remainder the 'arrearages' with which the receiver-general annually 'charged himself' have also been deducted, since they were in fact his cash in hand and had been counted in the total for past years. The same applies to the 'arrearages' of George Goring, receiver-general from 1584 to 1594, some of whose money was collected after his death. All other debts, since they had not been included in previous years' totals, are counted as part of the income of the current year.

£23,285 and in the year after that, in the course of which Burghley assumed office, it reached the figure of £29,552. But in the fourth year of the reign, the first full year of his mastership, the revenue dropped sharply to £18,317. Five years later it had declined still further to £15,390, but it rose again five years after that to £17,140. In the twenty-second year, about the middle of his mastership, it was down to £11,619; in the thirty-ninth year of her reign, his last full year of authority, it had risen again to £16,450. But at no time did the nett revenue reach the figure of £20,000 at which it had stood at the beginning of the reign. We are thus faced with a contradiction. How was it that Burghley, with all his shrewdness and responsibility (he had been Lord Treasurer since 1572) failed to raise the total income from wardships throughout the long period of his office? In essence we must ask ourselves two questions: was the income limited because this important source of national revenue was being drained away into private pockets, or was it deliberate policy on the part of Burghley to restrict the demands he made upon it?

How far can Burghley be accused of reducing, directly or indirectly, the feudal income of the queen by corrupt practices? We must first consider his conduct as a guardian before examining his official position as master. A member of his household, whose eulogy¹ of him was written shortly after Burghley's death, claimed that he rarely granted a wardship to himself. If we consult the records, the writer tells us, 'it will appear that, in all the tyme he was master of the wards, he reserved to his owne use but three'.² If we assume that the number of wardships sold per year was about a hundred, then it is correct to say that the number which Burghley received was not large. But the official records do not tell the whole story. According to them he bought only two, and these were not outstanding in their value or importance. One of them he bought for £20 some years before he became master.³ He bought another in 1570 for £220.⁴ So much for the official records. We learn from other sources, however, that far more important wardships had come his way. Amongst those to whom he acted as guardian we find Lord Wharton,⁵

¹ Printed in Peck, *Desiderata Curiosa* (1732), i. 1-66.

² *Ibid.*, p. 27.

³ Arthur Hall of Lincolnshire (Wards 9,369, fo. 171v, and 9,187, fo. 115v).

⁴ Thomas Strickland (Wards 9,373, Rec.-Gen. Accts., Receipts for Wards,

12 Eliz. and Wards 9,380, fos. 33v and 106r).

⁵ He held this guardianship jointly with the Earl of Sussex, Lord Chamberlain. (*Acts of the Privy Council*, ed. J. R. Dasent, viii. 282-3: 16 August 1574.) Only the name of Sussex appears in the patent book of the Court of Wards (Wards 9,106, fo. 273r).

the Earl of Oxford,¹ Philip Howard, Earl of Surrey, who was heir of the Duke of Norfolk,² the third³ and the fifth⁴ Earls of Rutland, the Earl of Essex⁵ and the Earl of Southampton.⁶ In addition, the wardship of Lord Zouche was purchased by Thomas Cecil, but Zouche was brought up in Burghley's household and was, in effect, his ward.⁷ It will be seen that Burghley, not surprisingly, was interested in quality rather than quantity. Nobody else in Tudor England had the wardships of eight noblemen.

There are a number of interesting features about these wardships. Only two of them, that of Lord Wharton, which the Earl of Sussex held jointly with Burghley, and that of Lord Zouche, bought by Thomas Cecil, were duly entered upon the official documents. For the rest, the records of the Court of Wards which I have been able to consult, exhaustive though they are in many ways, are completely silent about the appointment of their guardians. Since even the smallest payment for the humblest ward was entered in the receiver-general's accounts, it is unlikely that these would have been omitted if any payment had in fact been made. It is possible that the purchase price went through some other channel, as occasionally happened, and that we have no record of it; but it is unlikely that this would have occurred each time. In any case Burghley would have obtained a letter patent granting the wardship, and a copy would almost certainly have been entered in the Court of Wards patent books. The explanation is rather that the wardships were never sold and that Burghley was exercising his right as master of the wards and representative of the queen to retain the wardship in the possession of the Court of Wards, that is to say, in his own hands. For example, the wardship of the fifth Earl of Rutland was promised to the Earl of Leicester. Leicester died and the project therefore fell through, and we find Burghley acting in effect as the Earl's guardian.⁸ It may be that Burghley obtained

¹ *Dict. of Nat. Biog.*, xx. 225. Cf. also B. M. Ward, *The Seventeenth Earl of Oxford* (1928).

² S. P. Dom. Eliz. 91, no. 22.

³ *Dict. of Nat. Biog.*, xii. 933. See also Burghley's instructions for his conduct when travelling abroad (S. P. Dom. Eliz. 77, no. 6).

⁴ See below n. 8.

⁵ *Dict. of Nat. Biog.*, v. 875.

⁶ *Cal. of Hatfield MSS.*, iii. 365; *Dict. of Nat. Biog.*, xxi. 1055.

⁷ See, e.g., Rec.-Gen. Accts., Exhibitions, 12 Eliz. (Wards 9,373).

⁸ Hist. MSS. Comm., *Cal. of Rutland MSS.*, i. 260, 274-5, 283, 293, 327. His 'marriage', i.e. the right to marry, was sold to the earl himself for £500 shortly before his twenty-first birthday on 20 November 1597 (Wards 9,159, fo. 43v). The third Earl of Rutland (Wards 9,380, fo. 28v), and the Earl of Oxford (see below, p. 106, n. 6) had similarly bought their 'marriages' before coming of age.

authority from the queen by word of mouth to retain these wardships in his own hands, but if so they were substantial gifts, and afford us another insight into the Tudor system of payment of royal servants.

Nor can their values be assessed solely in financial terms. Burghley's daughter Anne married the Earl of Oxford; and though there is no evidence that Burghley brought any pressure upon the Earl, since he was perhaps contemplating marrying her to another of his wards, the Earl of Rutland,¹ a contemporary thought that heavy pressure came from Anne Cecil herself. 'The Erle of Oxenforde hathe gotten hym a wyffe,' wrote Lord St. John, 'or at the leste a wyffe hathe caught him.'² Living in Burghley's household presented the opportunity if it did not provide the cause. It was an ill-starred match, but there is no doubt about the satisfaction Burghley derived when the marriage was first arranged.³ Later on Burghley offered one of the children of this marriage as a wife to his ward, the Earl of Southampton. The earl declined; and rumour had it that this affront to Burghley cost Southampton £5,000.⁴ Burghley was more successful in other directions. Three daughters of the Countess of Oxford married earls: the Earl of Derby, Lord Norris who became afterwards Earl of Berkshire, and the Earl of Montgomery. Thus, although Camden's efforts to trace a high-born ancestry for Burghley would probably not stand the test of modern historical scholarship, Burghley himself ensured that his progeny would have better claims.⁵

The retention of these wardships by Burghley could be justified on other grounds. We find him taking a close and personal interest in the education of young men, not necessarily his wards⁶; he gave a good deal of his time to his duties as Chancellor of the University of Cambridge; and his care and consideration for those who joined his service were well known. The Duke of Norfolk, when preparing himself for the scaffold, bequeathed the upbringing of his sons to Burghley, his political enemy⁷; and the first Earl of Essex, when he lay dying

¹ *Cal. of Rutland MSS.*, i. 95.

² *Ibid.*, i. 94.

³ *Ibid.*, i. 95.

⁴ H. Foley, *Records of the English Province of the Society of Jesus* (1878), iv. 49 (cited in C. C. Stopes, *The Third Earl of Southampton* (Cambridge, 1922), p. 86).

⁵ Thomas Cecil, Burghley's elder son, on one occasion told his father that he could not afford to buy the wardship of Lord Sheffield from the ward's mother for £2,000, and regretted that he would be unable to ennoble his father's descendants in this way (*Cal. of Hatfield MSS.*, ii. 200-1).

⁶ E.g. S. P. Dom. Eliz. 22, no. 14; 35, no. 45; 36, no. 56; Lansdowne MS. 14, fo. 190r.

⁷ W. Murdin, *State Papers* (1759), p. 167.

in Ireland, specifically asked that his son should be brought up as Burghley's ward.¹ Admittedly, entry into Burghley's household was much prized by contemporaries for a number of reasons : professional no less than educational opportunities came into prospect ; but the tribute from the Duke of Norfolk cannot be entirely discounted for these reasons. It may be that there were other non-monetary rewards which Burghley looked for in the detailed care he bestowed upon the distinguished wards in his household. Perhaps through them he would reach out beyond his own time and set the pattern of political life for a later generation ; but these are larger issues and beyond the scope of this paper.

The letters from the mothers of the wards or the wards themselves, with one exception, confirm the high estimate generally placed upon his guardianship. Lady Gray, whose son had been a ward of Burghley, asked that her son, since he had gained so much thereby, should remain one of Burghley's 'flock', even though he was now out of wardship.² The mother of the Earl of Essex thanked Burghley for caring for her son 'who may say he hath happely mett with a seconde father instede of a garden'³; and even the headstrong Earl of Essex himself wrote to Burghley in sober and affectionate terms.⁴ The exception was, of course, the Earl of Oxford, whose mercurial and eccentric temperament contrasted so strongly with that of his father-in-law. Oxford remained a thorn in the flesh of the older man all his lifetime ; and, many years after Oxford had come of age, he wrote to Burghley a bitter and insolent letter with a pointed reference to his former status : 'I mean not to be yowre ward nor yowre chyld. I serve her magestie and I am that I am.'⁵ But Burghley had the last word in this respect. Years before, the earl had entered into obligations to purchase his marriage from the Court of Wards and had shortly after married Anne Cecil. The full price of his marriage had never been paid and this and other debts had long lain dormant in the Court of Wards. Then, early in 1589, shortly after the death of Anne, Burghley instituted proceedings against the earl for his debt and some of his lands were seized and held for payment.⁶ Thus to a limited degree Burghley, in his capacity of master of the

¹ W. Murdin, *State Papers* (1759), pp. 301-2.

² Lansdowne MS. 10, fo. 135r. ³ Lansdowne MS. 24, fo. 28r.

⁴ W. B. Devereux, *Lives and Letters of the Devereux, Earls of Essex* (1853), i. 171 and 221 ; see also the letter for the Earl of Rutland (Lansdowne MS. 57, fo. 188r).

⁵ Lansdowne MS. 42, fo. 97r.

⁶ Wards 9, 118, fos. 234v-235v. See also J. Strype, *Annals* (Oxford, 1824), iii, pt. ii, 191-2.

wards, was able to punish his son-in-law for a whole series of humiliations inflicted upon the Cecil family.

Burghley was not the only member of his household to receive important wardships. Thomas Cecil, his elder son, took a notable part in these affairs. We see in the records that he gained the wardships of Elizabeth Long,¹ Edward Lord Zouche,² Edward Denny,³ Thomas Grantham,⁴ Vincent Randall (in part)⁵ and the Corbett daughters.⁶ He received the wardship of Elizabeth Long for £250 but, before he had paid a penny, he had re-sold the wardship for more than five times the price at £1,350⁷ to John Manners, who in turn sold it some years later to Charles Morison for £2,450.⁸ The wardship of Vincent Randall, which Thomas Cecil held as joint guardian, was bought for £106.13.4⁹ and was re-sold for £400.¹⁰ Yet, in spite of this income, Thomas Cecil was in debt to the Court of Wards in 1595 to the tune of £360, payment for which had to be postponed by his father's decree.¹¹ Robert Cecil obtained two wardships in his father's lifetime,¹² but at the same time he had bigger fish to fry.

We are not only concerned with the profits Burghley or his family made by obtaining wardships for themselves; there were perhaps greater profits to be derived by other means. It was the tradition for suitors for wardships to apply to the master through courtiers, who were accustomed to receive payments either in cash or services; we may therefore ask whether the master himself, with his supreme powers of granting wardships, was immune from these gratuities. Burghley strenuously denied that he received large payments for suits over and above his official fees¹³; yet it would be fantastic to conceive that these insignificant sums—his annual salary as master remained throughout the period at 200 marks—would have enabled him to live and build so magnificently. But no large body of evidence has survived to show that the sale of wardships was bringing him handsome gifts *sub rosa*. There are letters to him couched in terms which leave no doubt that a gift was being offered or that the writer believed that Burghley was willing to receive such payments.¹⁴ But to prove

¹ Wards 9,106, fos. 263v-264r.

² Wards 9,107, fo. 29r.

³ *Ibid.*, fos. 295v-296r.

⁴ Wards 9,107, fos. 9r-10r and 100r.

⁵ Wards 9,221, fo. 65r.

⁶ Wards 9,109, fo. 68r.

⁷ Wards 9,150 B, Allington (29 Eliz.) and Wards 9,150 A, Bedingfield

(37 Eliz.).

⁸ J. Strype, *Annals* (Oxford, 1824), iii, pt. ii, 382-3.

⁹ Lansdowne MSS. 17, fo. 33r; 57, fo. 118r; 107, fo. 142r; 108, fo. 41r.

conclusively that Burghley was what contemporaries called a 'taker' is difficult, and to establish how much he took is impossible, from the existing material.

Certainly people thought that he was amassing a fortune from wardships. Thomas Wilson estimated that wardship brought in yearly between £20,000 and £30,000 to the queen, about twice as much to Burghley, and even more, subsequently, to Sir Robert Cecil.¹ But this is sheer guesswork. There is, however, one document which has survived, in spite of the intentions of its compiler, which establishes that, at least in the last years of his life, Burghley was being paid substantial sums by the purchasers of wardships. There exists in the Public Record Office a list ² of eleven recipients of wardships, with the names of the wards and the sums of money paid, as follows :

A 1 ^o die Januar: 1596 ad 4 Aug: 1598			
Lord Buckhurst	Haughton 1	166-13-4	in plate
Attorney Generall	Aston	1000	
Sir John Stanhop	Haughton 2	100	
Sir H. Constable	Applegarth	100	
Twisden	Ashburnham	100	
Mr. Surveyor of the Liveries	Gifford	200	
Attorney of the wards	Laborn	20	(100 ¹¹ . sent but 80 ¹¹ . returned)
Receaur of the wards	Hewett	200	
Hunnings of the reuells	Archdale	150	
Sir Edward Wotton	Barneham	1000	
Mr. Bowyer	Henly	66-13-4	
		3103-	6-8
This note to be burned			

These sums were not the official payments but considerably larger sums paid privately. If we compare the official prices, which I have been able to trace for nine ³ of the eleven wardships, with the unofficial payments for the same wardships, we find that the total official payment was £906.13.4 and the unofficial one £3016.13.4, well over three times as much.

There can be little doubt that the recipient of these unofficial payments was Lord Burghley. The period covered by the

¹ *The State of England, 1600*, ed. F. J. Fisher (Camden Miscellany, xvi, 1936, p. 28). Cf. also, Peck, *Desiderata Curiosa*, i. 27: 'It was imagined he made infinite gaine by the wards.'

² S. P. Dom. Eliz. 268, no. 41. Cf. J. E. Neale, *The Elizabethan Political Scene* (British Academy, Raleigh Lecture on History, 1948), p. 7.

³ All except Henly and Laborn.

gifts ended on the very day of his death, 4 August 1598. Three of the eleven people who sent them were officials of the Court of Wards; working as they did within the organization, would they have paid their gratuity to anyone other than the head of the department himself? In two other cases, Attorney-General Coke¹ and Sir Edward Wotton paid the large sums of £1,000 each: they would hardly have given these amounts to anyone but the master. There is also a letter from Coke to Burghley during this period in which he refers to a sum he is about to pay him for his aid.²

Burghley, then, in the space of three years received more than £3,000 from private suitors for wardships when his official salary for those years was less than £400. But we have no reason to believe that the list was complete. During the period approximately three hundred wardships were sold³; in view of the fierce competition of the time it is reasonable to assume that other suitors would have offered some *douceur* to the fountain of such wealth. During Burghley's long tenure there were also administrative offices at the centre and important feodaryships in the provinces which were much sought. For example, Robert Cecil was on one occasion offered £1,000 if he succeeded in helping a suitor to obtain the office of receiver general.⁴ Perhaps we must accept therefore the view of the contemporary writer of 'Certain observations concerning the life and raigne of Elizabeth Queen of England', who briefly summed up Burghley's career at the Court of Wards. Since the manuscript was being sent to Thomas Hesketh, the attorney of that court, it is hardly likely that a grossly inaccurate reference to it would have been included. The writer tells us of Burghley: 'After Sir Thomas Parrye's death, he was made Master of the Wards and Liueries by meanes whereof he grew rich and oftimes gratefied his frends and seruauents that depended and waited on him.'⁵

But these were not the sole sums which suitors were paying privately for wardships. If we examine the Hicks papers⁶ in the British Museum there is abundant evidence of other transactions. Hicks was one of Burghley's secretaries and appears to have enjoyed considerable influence with him and, for a time, with Robert Cecil. He was one of the principal channels

¹ Professor Neale has shown that he subsequently received four times as much for the wardship from the ward himself (*op. cit.*, p. 7).

² Lansdowne MS. 84, fo. 137r.

³ Wards 9,159.

⁴ *Cal. of Hatfield MSS.*, iv. 531.

⁵ Brit. Mus. Add. MS. 22,925, fo. 28v. I am indebted to Professor Neale for the reference.

⁶ Lansdowne MSS. 1-122.

through which applications were made to Burghley for wardships; and men of high estate such as the Earl of Huntington and Lord Sheffield did not hesitate to make their approaches through Hicks¹; while humbler folk sometimes approached this intermediary through another intermediary!² These letters almost invariably contained the offer of a private reward, while on one occasion a correspondent asked for the return of a bribe because Hicks had failed him of his object.³ Indeed, faced with a growing army of suitors, Hicks cynically drew up for himself or his superiors a series of replies to be used according to the circumstances as well as some general 'sentences or adages', such as 'Lett nothing be so esteemed of you that it make thee do against honesty or right'; these collected sayings are masterpieces of sanctimoniousness and ambiguity.⁴ Robert Cecil himself, working at this time hand in glove with Hicks, was also involved in the various private negotiations for wardships and offices.⁵ Since these gifts would hardly have been offered so frequently unless there were reasonable hopes that the master would accede to the recommendations, we may well ask whether one so acute and worldly as Burghley can have been unaware that Hicks and Robert Cecil were being remunerated for their efforts. One of the last official acts of Burghley was to appoint Hicks to the key position of feodary of Essex.⁶

We are not concerned here with Tudor morality or whether the taking of bribes was a necessary evil forced upon Tudor officials by the existing system.⁷ We are concerned only with how far these methods diminished the feudal income of the crown. For example, as we have seen, Coke paid Burghley £1,000 and the Court of Wards £300⁸ for the wardship of Walter Aston, or £1,300 in all. In other words, the queen received less than a quarter of the total purchase price together with a rent of £166.13.4 for the lands, which was a gross underestimate of their annual value.⁹ Since Coke made 200% profit on the wardship by subsequently selling it to the ward himself for £4,000, we may assume that he would have been willing

¹ Lansdowne MSS. 84, fo. 164r; 86, fo. 53r; 87, fo. 39r.

² Lansdowne MS. 77, fo. 180r: Sedley to Marston.

³ Lansdowne MS. 107, fo. 205r.

⁴ Lansdowne MS. 98, fos. 215r-217r.

⁵ *Cal. of Hatfield MSS.*, iv. 529, 531-4; vi. 363; vii. 231, 278.

⁶ Wards 9,109, fo. 201r (15 July 1598).

⁷ For a full examination of the political consequences of this system, see J. E. Neale, *op. cit.*

⁸ Wards 9,158, fo. 221r.

⁹ She was even deprived of some of this rent for a time by Coke's servant, who defaulted with the money he should have paid into the court; but Coke made amends (Wards 9,109, fo. 271r).

to pay £1,300, the total sum involved in his purchase, to the Court of Wards direct had it not been necessary to pay three-quarters of it to the master personally. Similarly, when the Court of Wards sold the wardship of Elizabeth Long to Thomas Cecil, it was priced at £250; but the final purchaser paid £2,450 for it. The queen in effect got only one-tenth of the price it reached on the open market. Not every wardship was so highly priced, but the principle remains the same, whether the profits were earned by Burghley or by some other member of his family or entourage. In some cases these practices occurred without either Burghley or any other official receiving payment for the favour. The mastership of the wards was not only a source of wealth but of power. The patronage which the master enjoyed over so wide a field was one of the means of creating and sustaining a personal following; and, as Professor Neale has shown,¹ patronage rather than party principles determined the political alignments of the Elizabethan age.

Nor was it always a simple division of the total price between the queen and one of her officials or courtiers. In some cases the queen's official share was *reduced*. The Earl of Essex obtained a wardship from Burghley, thanked him for the consideration shown him 'in the rating of the fine',² that is, for fixing the price so low, and promptly re-sold it for what he called a 'competent some of monie'.³ Lady Sidney, soliciting Burghley for the lease of some ward's lands, asked that they be rented 'for such fyne resonable as your honour fauourably may'.⁴ Hicks was asked by the Earl of Nottingham to show favour to Nottingham's daughter by setting 'easie valewes' upon her lands and by other means.⁵ These 'favours' could only be granted at the expense of the queen, since they deprived the crown of part of its income. Reduced valuations of a ward's inheritance usually reduced proportionately the price of the wardship and the rent for leasing his lands.

So here at least we have part of the explanation of Burghley's failure to increase the profits from wardships to meet the mounting costs of government. But that alone is not the explanation.

¹ *Op. cit.*

² Lansdowne MS. 60, fo. 203r.

³ Wards 9, 108, fo. 179r.

⁴ Lansdowne MS. 17, fo. 41r.

⁵ Lansdowne MS. 87, fo. 41r. Cf. also the remark of one of Hicks' correspondents: '[The Lord Treasurer] told me howe mich my wyffe was beholdinge unto him in sufferinge her sons office to be found at so lowe a rate, which is a testimonye of his meaneinge more then I durst remember in my letter' (Lansdowne MS. 108, fo. 41r).

It is impossible as one reads the records of the Court of Wards during the thirty-seven years of Burghley's mastership to escape the feeling that we are dealing with an influence that was moderate and conservative. His numerous and detailed notes amongst the official records testify also to his remarkable powers of concentration and devotion which lasted virtually to the end of his career. In 1594 he was writing to his son that he had been at work in the Court of Wards 'with small ease and much paine'.¹ In 1597, the year before his death, he was doing his best to expedite the growing volume of work arising within his office.² We find also, amongst the orders and decrees he made as judge of the Court, that same resolution to determine causes, as far as he was able, upon their merits and to protect the interests of wards against their guardians and others. On one occasion, although the heiress was already of age, Burghley seized upon the fact that she had not sued livery to protect her with the full authority of the court against the seizure of her person and lands.³ His own grandson was fined £600 during Burghley's mastership for marrying a ward without authority.⁴ In 1592 he was trying to safeguard wards against the spoiling of their parks.⁵ Nor amongst the criticisms which contemporaries levelled against his activities has a single item survived which charges him as a judge in the Court of Wards with the corruption of justice.⁶

Yet when all this has been considered we are still left with the fact that, at the time of his death, there was much in the activities and traditions of the Court of Wards urgently in need of reform. Wardships were still being competed for and granted while the father of the heir was alive. Mothers were still without any special title to be the guardians of their children and could merely take their place in the wild scramble for a profitable wardship. His domestic biographer's claim that he 'preferred natural mothers, before all others, to the custodie of their children'⁷ is not substantiated in the official records. The situation was not redressed until 1611, when

¹ S.P. Dom. Eliz. 248, no. 84 (cited in M. A. S. Hume, *The Great Lord Burghley* (1898), p. 455, note).

² *Cal. of Hatfield MSS.*, vii. 293-4.

³ Lansdowne MS. 102, fos. 215r-216r.

⁴ Wards 9,86, fo. 62v.

⁵ Wards 9,109, fo. 14v.

⁶ He did, nevertheless, act in his official capacity to protect the interests of Lady Roos, who was married to his grandson, William Cecil, against the Countess of Rutland (*Cal. of Rutland MSS.*, i. 260-3, 267-91, 314, 386-8).

⁷ Peck, *Desiderata Curiosa* (1732), i. 26.

mothers obtained one month's pre-emption over other suitors.¹ The tradition continued, at the end of his mastership, that applications for wardships went through courtiers with all the costs that this often involved; the tradition was not ended until 1617,² if indeed it ended then. And corruption within the court from the receiver-general³ downwards continued to diminish the income of the queen and to prey upon the welfare of her subjects.⁴

This conservatism is reflected also in the charges that Burghley made for wardships. When masters sold wardships they tended to fix the price as a ratio of the annual value of the lands, though other matters were taken into consideration. For example, if the lands were estimated at £100 per annum in the feodary's survey, the wardship would probably be sold by Burghley at either £100, £150, £200 or occasionally at £300. Throughout his period the majority were sold at the equivalent of the annual value of the lands or less, or at 50% above the annual value. Thus, at the beginning of his mastership 83% of the wardships were disposed of in this way, at the end 79%. The fact that mothers or other relatives tried to buy these wardships either directly, or at second or third hand from the original purchaser, meant that the comparative moderation of these charges was of social as well as economic importance. By contrast, soon after Robert Cecil succeeded him, more than 60% of the sales were being made at three or four times the annual value of the lands. In the last full year of Burghley's mastership (1596-7) the sales of wardships brought in £2,669⁵; by the last year of Elizabeth's reign (1601-2) under Robert Cecil they had leapt prodigiously to £8,525.⁶ Burghley deliberately kept the prices at a fairly low level; Robert Cecil

¹ S.P. Dom. Jas. I, 61, no. 6. This 'reform' meant, however, that mothers could hardly hope for a wardship if they failed to report it within one month of the father's death. It was thus a means of discouraging concealments.

² *Ibid.*, 187, no. 51A.

³ John Beaumont, receiver-general in Edward VI's reign, deprived the crown of £21,720 (Wards 9,365, fo. 215r, cited in F. C. Dietz, *English Government Finance, 1485-1558* (Univ. of Illinois, 1920), p. 181). Towards the end of Elizabeth's reign, George Goring succeeded in doing the same thing for a similar amount of money (Wards 9,108, fos. 509v-510v).

⁴ Not all the officers of the Court of Wards were as precise in their estimates of the private profits of their posts as was Hugh Audley, the last clerk of the court before its dissolution. On being asked the value of his office, he replied: 'It might be worth some thousands of pounds to him who after his death would instantly go to heaven; twice as much to him who would go to purgatory; and nobody knows what to him who would adventure to go to hell' (*The Way To Be Rich according to the Practice of the Great Audley*, 1662, p. 12). He became known to contemporaries as 'rich Audley'.

⁵ Wards 9,388, fo. 363v.

⁶ Wards 9,394, fo. 259v.

either would not or could not accept his father's interpretation of the situation.

At the time when the Earl of Essex had hopes of succeeding Burghley as master, Essex was considering how to raise the revenue from wardships.¹ When Robert Cecil in fact succeeded Burghley, he at once issued the order that in all surveys of wards' lands they were not to be passed under values, but their values raised if they could bear it.² The policy pursued by Burghley of limiting the price of wardships was probably based upon a shrewd estimate of how far he could go. He brought to his office a large measure of efficiency, but he tempered it with judgment and moderation. In this way, while criticism was not suppressed, it was at least kept within bounds. Though he obtained for the crown a good deal of revenue he correctly assessed the limits of this source. The deepening financial crisis led to the adoption of measures by later masters which Burghley was unwilling to employ, though aware of the acuteness of the situation in his own day. It is clear that the changing social and political structure of England was in any case hastening the abolition of the Court of Wards. In spite of this, the masters were obliged to extract the maximum income from the institution they directed; and it was left, therefore, to Robert Cecil and his successors in the seventeenth century to kill the goose which was laying the golden eggs.

¹ S.P. Dom. Eliz. 268, no. 70. ² S.P. Dom. Eliz. 274, no. 43.

CURRENCY MANIPULATION IN THE MIDDLE AGES : THE CASE OF LOUIS DE MALE, COUNT OF FLANDERS

By PROFESSOR H. VAN WERVEKE

Read 13 November 1948

IT is well known that, in contrast to the nineteenth century, the Middle Ages, and especially the later Middle Ages, suffered from great coinage instability. Now that we, in our turn, are confronted with identical difficulties, some historians would explain the currency manipulations of the Middle Ages by motives of the same kind as those that have inspired some devaluations in the twentieth century. They ask themselves if perhaps the princes of that time were not trying, as some modern governments have tried, to influence economic life and in particular to stimulate international commerce by devaluation of the currency.¹

In order to test this theory I have thought it desirable to examine thoroughly one representative case. My choice fell on the reign of Louis de Male, count of Flanders from 1346 to 1384,² for several reasons. In the first place, it falls in the central years of the fourteenth century, the period in which the most frequent manipulations took place. (The period of

¹ H. Laurent, *La loi de Gresham au moyen âge. Essai sur la circulation monétaire entre la Flandre et le Brabant à la fin du XIV^e siècle* (Brussels, 1933), pp. 7-8: 'Ces diverses causes — insuffisance de la production de métal fin, balance commerciale insuffisante, perte par le jeu normal de la circulation — expliquent la raréfaction continue du stock de métal fin, qui coïncide avec un accroissement des besoins du commerce. Maîtres de la monnaie, les princes se trouvèrent dans la nécessité de satisfaire ces réclamations. Il y avait une opinion publique qui demandait un accroissement des signes monétaires, qui poussait aux mutations des monnaies. Le commerce a toujours été inflationniste. Or, ces sollicitations des classes commerçantes se multipliaient, au moment même où les besoins des trésors des princes devenaient, eux aussi, plus nombreux et plus pressants, par suite de l'extension de leur politique, de la complication de leur système d'institutions, de nombreuses autres causes. Dès lors, la tentation était trop forte de satisfaire à la fois les besoins du commerce et ceux des trésoreries.' I do not know of any evidence of Flemish merchants of the fourteenth century asking the count to reduce the intrinsic value of his currency.

² A summary of this lecture, with full references to the available evidence, will shortly be published under the title 'De muntslag in Vlaanderen onder Lodewijk van Male', in *Mededelingen van de Koninklijke Vlaamse Academie voor Wetenschappen, Letteren en Schone Kunsten van België, Klasse der Letteren* (Antwerp-Utrecht). See also, on the coins of Louis de Male, but mainly from a numismatic point of view, H. Enno van Gelder, 'De munten van Vlaanderen onder Lodewijk van Nevers en Lodewijk van Male', *Jaarboek van het Koninklijk Nederlandsch Genootschap voor Munt- en Penningkunde*, xxxiii-xxxiv (1946-47), pp. 122-31.

serious manipulation began at the end of the thirteenth century, when, in addition to the minting of small silver coins, which had been going on through the whole course of the Middle Ages, the production of larger silver currency and of gold had commenced.) Secondly, the study of Louis de Male's currency problems takes us to that country of north-western Europe where economic development was at that time most advanced. Although cloth weaving, the great export industry of the country, had already begun to decay, the market of Bruges still attracted to the banks of the Zwin a growing international activity. And the third reason that determined my choice was a purely practical one, for Louis de Male is the first count of Flanders about whose coinage we have evidence which, if not complete, is at any rate sufficiently extensive to give us a fairly general survey of it.

I may as well make it clear from the beginning that the results of my investigations have not corroborated the theories mentioned above. My opinion is that the motives of medieval princes in currency matters were those described by their contemporaries and accepted by historians up to quite recent times, despite some modern ideas to the contrary.

When we consider the minting of Louis de Male, what strikes us first of all is the astonishing quantity of pieces he coined. He not only had coins minted of a great variety of type and of divergent weights and alloys, but he issued each type in really enormous numbers. We have at our disposal in this respect particularly exact documentary evidence in the accounts of the count's mint-masters. These documents were, at least in part, published nearly a century ago by Victor Gaillard,¹ who also gave a synoptic table of the production of the mints during the reign of Louis de Male.² It never has been given the full attention it deserves. Yet, impressive as the figures quoted by Gaillard may be, they are far from complete, as the author only made use of these documents he had found in the Archives générales du royaume at Brussels. Other accounts, unknown by him, are preserved in the Archives départementales du Nord at Lille. They fill up in large measure the gaps in Gaillard's list. Gaillard was not aware of the proportion between the extant and the lost accounts, whereas we can now assume with a high degree of probability that more than one-fifth of the original records are still lacking.

¹ *Recherches sur les monnaies des comtes de Flandre depuis les temps les plus reculés jusqu'à l'avènement de la maison de Bourgogne* (Ghent, 1857).

² Pp. 168-9.

On account of the extraordinary high figures of the production, it is as well to emphasize the fact that these data are quite reliable. The mint-masters indeed, in their accounts, calculated the share of the prince in the benefits of the mintage, and, as the quota of that share in the total production had been fixed beforehand, the mint-master was interested in declaring the lowest possible figure of production, the mintage right he had to pay to the count being in proportion to his production. So if the figures are not absolutely exact, they must be considered rather as too low than as too high.

The results of my investigations about the bulk of the production can be summarized as follows. From 1346 to 1384, according to the accounts still extant, coin-production in Flanders amounted to 12,298,401 gold pieces, containing a total weight of 53,601 kg. of bullion. Since more than a fifth of the accounts are lost, we may at a conservative estimate reckon the real total as being about 15,000,000 gold pieces, with a weight of about 65,000 kg. of pure gold. Such a weight represents a volume of more than three cubic metres or four cubic yards.

As to the silver coins, as far as the surviving evidence goes, there were minted exactly 1,439,457·5 medieval French *marcs de Troyes* or 943,906 British pounds troy in silver alloy. Their intrinsic value was 798,194·23 *marcs de Troyes* or 195,557·586 kg. of silver. Taking again account of the lost records, we may assume a total weight of 240,000 kg. and a volume of 23 cubic metres or 30·4 cubic yards. It is unfortunately not possible to calculate exactly the number of pieces coined, because for some at least of the emissions the exact weight of the coins is not known, but we cannot be far from the truth if, for the surviving accounts, we estimate the number at about 110,000,000, or a total of perhaps 135,000,000 if the lost records are taken into consideration. These figures, incidentally, include practically only the real silver coinage, and take no account of the very base, so-called black silver, coinage, which under Louis de Male was only struck in very small quantity.

Let us now try to grasp the real meaning of these figures. Since it may be assumed that the population of Flanders amounted to half a million inhabitants,¹ coin production under Louis de Male must represent 30 pieces of gold and 270 pieces

¹ We have no direct evidence for Flanders, but a study of the number of the hearths in the neighbouring and somewhat less populous principality of Brabant between the fourteenth and sixteenth centuries, as compared with the situation in 1910, suggests such a figure. See J. Cuvelier, *Les dénombrements de foyers en Brabant (XIV^e-XVI^e siècle)* (Commission royale d'histoire, 4^o series, Brussels, 1912-13), i, p. cccx.

of silver per head of population, or 150 pieces of gold and 1,350 pieces of silver per family of five individuals.

Such a quantity of money cannot possibly have been in continuous circulation. It is far more probable that at least part of the precious metal went more than once through the mints of Louis de Male. It is also very likely that the greater part of it was drawn from abroad to the mints of the count, and that it afterwards flowed back to other countries. The late Professor Henri Laurent drew attention in 1933 to the struggle for bullion between Flanders and Brabant in the fourteenth century, although he was more particularly concerned with the last years of Louis de Male and the reign of Philip the Bold.¹

In fact, this struggle for bullion had already begun in the early years of the reign of Louis de Male, if indeed it had not begun before. The accounts of the mint-masters allow us to verify this opinion, and even to discover what means the count used in order to carry on the struggle.

The general bait was the offer to the merchants of a higher price for gold and silver than they could get elsewhere. To explain how this principle worked it is necessary to go into some details regarding the conditions of minting in those times.

In the Middle Ages, coined metal had always a higher value than uncoined metal of the same weight and fineness. This allowed the princes both to pay the costs of the coinage and to procure themselves a profit, the so-called seignorage. For example, Louis IX could buy one *marc de Troyes* of silver for 54 *sous tournois*, i.e. 54 *gros*. But that *marc* allowed him to coin 60½ pieces of one *gros*. As the difference of 6½ *gros* represented more than what he needed to pay his mint-masters, the remainder procured him a net profit which went to his treasury. If the king wished to attract more silver to his mints, he raised the price he offered for bullion, but was of course compelled to reduce his profit accordingly.

Princes had a second means also at their disposal. This consisted in diminishing the alloy of their coins; for example, by coining from one *marc* of silver 65 *gros* instead of 60½. The 4½ *gros* thus saved might be bestowed partly or entirely on the purchase of silver, or it might be deposited in the king's treasure vaults. The king now paid the merchants with *gros* that contained less silver than previously, but he hoped that

¹ H. Laurent, *op. cit.*, and H. Laurent and F. Quicke, *L'accession de la maison de Bourgogne aux duchés de Brabant et de Limbourg (1383-1407)* (Mémoires de l'Académie royale de Belgique, Classe des lettres, 8^e series, Brussels, 1939), pp. 402-33.

the sellers would accept them as worth their face-value, and in fact they made no difficulties, at least in the beginning. But later on, when they became aware of what was going on, even the increased price of the silver became unattractive, and the whole operation had to be launched anew, with coins of lower alloy and weight. In this example, we have supposed that it was the alloy that was altered. But the same result could have been attained by reducing the weight of the coin or by a combination of both. Only then the fraud became too obvious and too easy to detect, for gold balances were of course in common use.

The results of such a transaction can be easily followed in the case of the *mouton*, a Flemish imitation of a French gold coin of the same name. The Flemish *mouton* was coined in the mint of Ghent from 1356 to 1361, and some years later for a short time in that of Malines. The table on page 120 gives the changes in weight, alloy and seignorage, taken from the accounts of the mint-masters, together with the duration (in days) of each period as mentioned in the accounts, the total production during those periods, and finally the average day-production in each.

The interpretation of these figures does not offer any great difficulty. When the minting of the Flemish *mouton* began, on the same standard as the French model (52 pieces to the *marc de Troyes* ; bullion : pure gold), the metal was apparently abundant. Although the count ventured to raise his seignorage from 28 to $46\frac{2}{3}$ *gros*, the average daily production remained at 2,200, and rose even to 2,500. When after some time the count cut the rate of his profits, the production leapt up to 3,409 pieces, and after a new and rather substantial reduction it reached 4,000 pieces. Shortly afterwards the stream of gold became more and more exhausted. The daily average fell to 1,800, and a new cut of 50 per cent. in the seignorage was necessary to maintain it on that level (1,852). But afterwards it fell again to 1,133, and even to 633.

When the first process stopped yielding profit and had become inefficient, the count chose the second one ; the debasement of the money by reducing the weight and the alloy. The weight became now $\frac{1}{52\frac{1}{2}}$ instead of $\frac{1}{52}$, the alloy $23\frac{1}{2}$ carats instead of 24. That meant that from now on one *marc de Troyes* of pure gold allowed the coinage, not of 52 *moutons*, but of $53\frac{3}{5}$. The $\frac{1}{5}$ of a gold piece thus gained was entirely used for raising the price of gold. The production immediately leapt up to 1,033 pieces a day. A new lowering

MINTING OF THE FLEMISH MOUTON

Period	Number of pieces to the <i>marc de Troyes</i>	Alloy (in carats)	Seignorage per <i>marc de Troyes</i> (in gros)	Number of days of minting	Total number of pieces struck	Daily average of pieces coined
12 June 1356-18 Nov. 1356	52	24	28	160	362,000	2,263
10 Dec. 1356-11 Feb. 1357	52	24	46 $\frac{3}{4}$	64	161,000	2,516
11 Feb. 1357-4 March 1357	52	24	42	22	75,000	3,409
11 March 1357-22 July 1357	52	24	28	134	540,000	4,030
12 Aug. 1357-4 Nov. 1357	52	24	28	85	153,000	1,800
11 Nov. 1357-14 Apr. 1358	52	24	14	155	287,000	1,852
14 Apr. 1358-28 Apr. 1358	52	24	14	15	17,000	1,133
28 Apr. 1358-24 Aug. 1358	52	24	14	117	74,000	633
24 Aug. 1358-22 Oct. 1359	52 $\frac{1}{2}$	23 $\frac{1}{2}$	14	424	438,000	1,033
22 Oct. 1359-1 Feb. 1360	52 $\frac{1}{2}$	23 $\frac{1}{4}$	14	102	162,000	1,588
8 Feb. 1360-14 March 1360	53	22 $\frac{1}{4}$	38	35	109,500	3,129
14 March 1360-25 June 1360	53	22 $\frac{1}{4}$	28	104	201,500	1,938
25 June 1360-19 Sept. 1360	53	22 $\frac{1}{4}$	20	86	69,500	808
19 Sept. 1360-17 March 1361	53	22 $\frac{1}{4}$	20	179	313,000	1,743
17 March 1361-26 June 1361	53	22 $\frac{1}{4}$	20	101	75,500	748
26 June 1361-16 Sept. 1361	53	22 $\frac{1}{4}$	20	81	31,000	383
16 Sept. 1361-4 Dec. 1361	53	21 $\frac{1}{4}$	36	79	33,000	418

of the alloy by $\frac{1}{4}$ carat brought it up to 1,588. But a third intervention, far more important, followed in February 1360, when the weight became $\frac{1}{53}$ and the alloy $22\frac{1}{4}$ carat, which allowed the mint-master to get $57\frac{1}{5}$ *moutons* out of one *marc*. The fairly large gain this time was undertaken partly to raise the price of the *marc* of gold, and partly to raise the count's profits. But these new conditions gave only a brief satisfaction. For a month the daily average was 3,129 pieces, but after a short time the production began again to shrink so much that even a halving of the seignorage was of no real use. After one further oscillation, the production-figure fell steadily for a year and a half, till it finally dropped to 383 pieces. In September 1361 a last effort to improve the situation was undertaken by means of a final debasement. It had only a slight effect (the figure rose from 383 to 418), so on 4 December 1361 the minting of the *mouton* had to be suspended, for a time at least. The favour of the public now was directed to the *franc*, the new type of gold coin that the crown of France had begun to strike the previous year in order to pay the ransom of John the Good, taken prisoner by the English at the battle of Poitiers.

The count of Flanders, whose *mouton* had apparently become discredited by these successive manipulations, once more decided to follow the French example.

From this analysis of the facts it may be concluded, I think, that it was the aim of Louis de Male to get as much profit as possible from his minting by trying to combine a high production with a high rate of seignorage. The idea of conscious intervention in the economic life of the country is not backed by our table. Some adherents of this opinion have expressed the view that the princes debased their money in order to multiply the number of coins in circulation. The lowering of the intrinsic value of the gold coin, the only kind of money that was of real importance to international commerce, was as a matter of fact not very substantial; the gold content of the *mouton* had been reduced only from 4.7 gm. to 4.1 gm. But there is a second and still more serious objection to this opinion. According to it, the successive types of gold coins adopted by the count should show a constantly decreasing intrinsic value. In fact, this is not the case; the count began by coining *vieux écus* of 4.395 gr.; the first *moutons* were of 4.71 gr.; after them came *royaux* of 3.71 gr., *francs* of 3.868 gr., *lions* of 5.41 gr., *heaulmes* of 6.95 gr., *flandres* of 4.19 gr. and *nouveaux écus* of 4.54 gr. There was apparently no system followed when the value of a new type of coin was chosen.

As far as the silver currency is concerned, the case seems somewhat different. The main unit in Flanders was the *gros* (Dutch: *groot*; English: *groat*), an imitation of the French *gros*, and used more and more in Flanders as the real basis of the money of account. In 1334 the intrinsic value of this *gros* (3.64 gr. *argent-le-roi*, i.e. of $\frac{23}{24}$ pure silver) was still approaching that of the French model. But when in 1337 Philip of Valois, at the beginning of the Hundred Years War, began a new period of currency manipulation, the Flemish Count Louis of Nevers followed the movement, but in an irregular way. From this time onwards the silver coinages of France and of Flanders, from the economic point of view, go their own ways. Between 1337 and 1383 the intrinsic value of the Flemish *gros* changed seventeen times, and each time in the direction of further debasement. The weight fell from 3.64 to about 1.01 gr., so that in less than half a century it lost nearly three-fourths of its value.

In the case of the silver currency, it seems at first sight as if we had to do with an intentional multiplication of the number of coins in circulation. In fact, however, this is no explanation, if the aim of the measure is supposed to have been that of furnishing trade with the coins it needed, since the gold coinage, not the silver, was the main currency used for international exchange.

In any case, it is not difficult to detect the reasons why the count altered his silver more drastically than his gold coinage. It was precisely because the gold was mainly reserved for the needs of international commerce that princes had to handle it with caution. Louis de Male could permit himself to reduce in a small measure the weight and the alloy of the *mouton*, but even in this case the fraud was detected after a short time, and the quotation of the Flemish *mouton* soon fell below that of the French coin of the same name. In the case of the silver coins, the count had only to reckon with his own subjects, for it was the silver currency which dominated the internal economic life of the county. It was the basis of the money of account, in which all rents, prices and wages were calculated. From a theoretical point of view, the prince had the absolute right to determine how much silver the coin that was the support of the money of account should contain. But his decisions in this matter had consequences that were beyond his control. We find that after each debasement of the *gros*, prices began to rise, and craftsmen could not make both ends meet with their 'fair' wages, reckoned and based on a stable money value. So if a man received in 1383 the

same number of silver coins called by the same name as in 1334, he possessed hardly more than one-fourth of the silver he would have had in 1334, and his money had after some time hardly more than one-fourth of the purchasing power it had had fifty years before. But yet if this situation had been able to last so many years, it was because the prince had only to reckon with the complaints of his own subjects. It is possible that in the beginning he had scarcely thought of the consequences of his policy.

As the financial consequences were in his favour, the social consequences were of less importance to him! As mentioned before, the accounts of the mint-masters enable us to calculate how large were the profits the count derived from his seignorage. The extant evidence for the reign of Louis de Male shows that on the minting of gold and silver the count's benefits were respectively 270,718*l.* 8*s.* 8½*d.* *parisis* and 130,345*l.* 1*s.* 9*d.* *parisis*, altogether 401,063*l.* 10*s.* 5½*d.* *parisis*. Taking into account the lacunæ in our evidence, we may fairly raise this sum to half a million *l. par.*, or an average of 13,000*l. par.* a year. These entries are unequally distributed over the reign. They were especially high in the years following on 1354, when they were often in excess of a figure of 20,000*l. par.* a year. Partly because of lack of evidence, and partly owing to insufficient utilization of the extant documents, it is impossible to calculate exactly what percentage of the total revenues of the count these sums represent. But we can make a rough estimate. The first complete account (1386-7) of a receiver-general of Flanders gives a total of 146,245*l.* 6*s.* 5*d.* *par.*; this sum, however, includes the revenues of Artois. An earlier account, for Flanders alone, but only over seven months in 1374, gives an amount of 78,411*l.* 6*s.* 5½*d.* *par.* We may, I think, assume that in the years immediately after 1354 the seignorage represented at least one-sixth, and perhaps one-fifth, of the total revenues of the count of Flanders.¹

It is very suggestive to compare this figure with that under Philip the Good, whose reign began seventy years after the death of Louis de Male and lasted about ten years longer than that of his great-grandfather. The contrast is a striking one. The duke of Burgundy kept the weight and the alloy of his coins unchanged for long periods, i.e. from 1418 to 1428 and again from 1433 to 1466, that is respectively for ten and for thirty-three years. In connection with this fact it may be observed that Philip got far less metal for his mints than his

¹ *Inventaire des archives de la chambre des comptes*, ii (Brussels, 1845), p. 32, n° 2702; vi (Brussels, 1931), p. 103, n° 47,046.

ancestor Louis de Male. Our documents in the case of Philip are very incomplete, except for the years 1455-61, when we can establish that the profits of the minting mounted to not more than 1,500*l. par.* per annum, or less than one-thirteenth of what Louis de Male got out of it in the most favourable years of his reign.¹

But Philip the Good was not only count of Flanders. He had at his disposal revenues coming from all his possessions in the Netherlands, in Burgundy and in Franche-Comté. He apparently complied with the wish of his subjects to keep the money unchanged, a wish that had been repeatedly expressed. It is without doubt that he thus lost a source of immediate revenue which the seignorage could provide him. But was it not wiser in the long run to put an end to the continuous debasement of the money which was bound ultimately to affect in a very serious way the rents of his domain? ²

The conclusion seems unavoidable. The frequent monetary manipulations under Louis de Male—and his case is, as I have said, representative—are chiefly to be imputed to the desire to increase his revenues, even if this could only succeed for a short time, and at the cost of the future.

And yet Louis de Male's measures had economic consequences which also present an interesting social aspect. I pointed this out already in 1931,³ but I wish to emphasize them now, because my more recent researches in similar fields of work enable me at present to describe them with more precision.

As said before, the debasement of the intrinsic value of the Flemish *gros* since 1337, and of the corresponding money of account, caused a rise in the cost of living. That meant that the wage-earners would be threatened with starvation if they could not succeed in obtaining higher wages.

The most important industry in Flanders was cloth-weaving, which provided work to nearly half the population of the towns. The sources for the story of this industry have been published

¹ *Inventaire des archives de la chambre des comptes*, iii (Brussels, 1851), pp. 242, 246, nos 18,103-5, 18,195-6.

² Some authors of the sixteenth and the seventeenth centuries were well aware that such a policy was in the long run disastrous for the finances of the princes. See, for example, Bernardo Davanzati, *A Discourse upon Coins* (London, 1696), pp. 20, 21 (the author lived in the sixteenth century), and Thomas Mun, *England's Treasure by Forraign Trade* (London, 1664, reprinted Oxford, 1933), *cap.* viii, p. 29. (I owe these references to the kindness of Professor R. De Roover.)

³ H. Van Werveke, 'De ekonomische en sociale gevolgen van de munt-politiek der graven van Vlaanderen (1337-1433)' (*Annales de la Société d'Emulation de Bruges*, lxxiv, 1931, pp. 1-15).

by Espinas and Pirenne.¹ It might *a priori* be expected that documents concerning wage-increases for the period 1337-88 would be available there, and there are indeed twelve texts referring to them between 1348 and 1375. But one particularity about them is at first sight surprising. In the cloth-industry, as you no doubt know, the rough material went through the hands of different categories of craftsmen: weavers, fullers, shearers, dyers, etc. Now as far as the weavers are concerned, the documents never mention any increase of wages, though that class was by far the most numerous one.

In order to understand why this is so, we must remember the social and economic position of these several groups in the cloth-weaving industry. In each of them there were masters and journeymen, but in the crafts of the fullers, the shearers and even the dyers, masters as well as journeymen were all wage-earners. The raw material which they worked was not their property, and their wages were calculated according to a tariff issued by the authorities of the town or the country in question.

But with the weavers the situation was somewhat different. In the first half of the thirteenth century, the weavers, masters as well as journeymen, were wage-earners, just like the fullers, shearers, and others, working for the wealthy merchants who imported the wool and exported the finished cloth. The difference between the weavers and the other categories of craftsmen in that period was that the weavers were not paid on the basis of a rigid tariff, but their wages had to be fixed anew by a special agreement between the master-weaver and the merchant each time the latter placed a new order.

But this is only one aspect of the problem. As I have pointed out in another paper,² the social type of the merchant-contractor was bound to disappear already in the second half of the thirteenth century, when a new social type was rising: the purely industrial contractor, the so-called *drapier* or draper. He was a kind of master-weaver on a larger scale, and in the fourteenth century the two social types of the draper and of the master-weaver tended to fuse. The master-weaver then generally became a kind of small contractor, and the fullers, shearers, etc., worked for him as journeymen, whereas the

¹ *Recueil de documents relatifs à l'histoire de l'industrie drapière en Flandre* (Commission royale d'histoire, 4^e series, 4 vols., 1906-24).

² H. Van Werveke, *De koopman-ondernemer en de ondernemer in de Vlaamse lakennijverheid van de middeleeuwen* (Mededelingen van de Koninklijke Vlaamse Academie voor Wetenschappen, Letteren en Schone Kunsten van België, viii, n^o 4, 1946—with a summary in French).

merchant—now generally a foreigner—bought from him the finished cloth.

Such was the situation under Louis de Male. As the value of the Flemish *gros* during his reign gradually dropped, the cost-price of the cloth, as expressed in foreign currency (or in weight of precious metal), would diminish also as long as the fullers, shearers, etc., were satisfied with being paid according to the old tariffs. This was the best thing the contractors (drapers and master-weavers, or whatever they might be called) could hope for, for in the fourteenth century the crisis of the Flemish cloth-industry, a consequence of foreign competition among other things, had already begun.

The fullers, shearers, dyers, etc., naturally took a different view of the question of wages than the weavers and the drapers. They claimed that the wages should be adapted to the cost of living. To us this seems only fair, but we should not forget that medieval conceptions were not ours. In a society where the prince was regarded as having the right to fix the commercial value of his coins, men were inclined to adhere to the rate of wages which the legal authorities had fixed for a particular kind of work. In any case the increases in wages which are mentioned in the documents seem to us absolutely insufficient, and not in accordance with the debased value of the silver currency. But higher wages for the fullers, etc., would mean, if the selling price of the cloth remained unchanged, smaller gains for the contractors. Hence the numerous disputes and often bloody clashes which were already occurring under the rule of Jacob van Artevelde (1338-45) and which destroyed the unity of view between the several classes of the population, a unity on which the policy of the great captain of Ghent was based. These disputes went on during the entire reign of Louis de Male. In the great rebellion that filled the last five years of his reign, during which the name of Philip van Artevelde came to the fore, the weavers tried once more to seize the power in all the Flemish towns. It was a case of life or death for them, since it was only by securing control of the legislation on the cloth industry that they could hope to maintain to some extent the old rate of wages of the craftsmen.

My conclusions as far as the last part of this paper is concerned may be summarized as follows. The situation of the Flemish cloth-industry in the middle of the fourteenth century was so critical that it was only by lowering the selling price of cloth that it could hold out against foreign competition.

The diminution of the value of the Flemish *gros* brought about that lowering automatically, just as in our days a devaluation would do. When after some time the debasement of the *gros* caused a rise in the cost of living, the fullers, shearers, and other craftsmen who were the victims of it tried, but generally without success, to obtain an adequate adjustment of their wages to the cost of living. Just because they did not succeed, the effects of the currency manipulation were, at least in some measure, maintained. Moreover, the process repeated itself every few years, so we may admit that the monetary measures of Louis de Male, *although unintentionally on his part*, checked, for some time at least, the decay of the Flemish cloth-industry.

KING JOHN'S REACTION TO THE INTERDICT ON ENGLAND

BY PROFESSOR C. R. CHENEY, M.A., F.R.Hist.S.¹

GIRALDUS CAMBRENSIS observed that the interdict laid on England in 1208 inflicted a double wound, involving as it did both the withdrawal of divine service and the plundering of the clergy's possessions.² The eagerness of King John in exploiting the situation for his financial profit does not admit of doubt. The estimate of reparations for *ablata* and *dampna* arrived at in 1214 was 100,000 marks; this did not satisfy the clergy, and probably the sum was too small to cover all that the king had received by confiscations, prolonging of vacancies, *dona*, and fines.³ Although even an approximately correct estimate is now unattainable,⁴ an enquiry is still worth while to discover the king's policy and his methods of exaction during the interdict. This paper is primarily concerned with his general seizure of church property in 1208.

King John's reaction to the threat of interdict, of which he received final warning from Simon Langton on 12 March 1208, was swift and violent. The precise orders which he gave in the first moment of fury are unfortunately not preserved by any reliable witness. All we know is that on 14 March he

¹ This paper is an amplified version of part of the paper read by Professor Cheney on 11 December in place of the Presidential Address which Professor Seton-Watson was prevented by illness from delivering. [Ed.]

² *Opera* (Rolls Series), viii. 311.

³ See S. J. Mitchell, *Studies in taxation under John and Henry III* (New Haven, 1914), pp. 93-109. Further discussion of the reparations will be found in an unpublished thesis (M.A., Manchester, 1947): 'Anglo-papal relations 1213-1216', by Miss Stella M. Whileblood.

⁴ The list of King John's receipts which is found in *Red book of the exchequer* (Rolls Series), ii. 772-3 is of unknown origin, provides no analysis to show what items of income are included, and is almost certainly incomplete. The total, as printed, amounts to £100,000, 5 marks, 5s. 3d., but this should probably be read as 100,055 marks, 5s. 3d.; the total of the separate items should be 113,412 marks, 12s. 5d. The details of this list do not appear to agree with the figures recorded by the Dunstable annalist for the diocese of Lincoln and Christ Church, Canterbury (*Ann. monastici* (Rolls Series), iii. 39). The sum of £53,474 3s. 9d. added up by Mitchell (*op. cit.*, pp. 106-8) as profits of church lands in hand is, as he observes, not exhaustive. It must also be noted that the sum represents gross receipts, from which considerable deductions must be made to discover the real profit to the Crown. Out of two years' gross revenues of Whitby amounting to £412 12s. 6½d., £181 18s. 6d. was spent on the abbey. At Ramsey, in one year, gross revenues were £1,219 os. 8½d., and internal expenditure £156 12s. 2d. (P.R.O., Pipe Roll 14 John, rot. 1, m. 2 and m. 1d). Moreover, these profits cannot be regarded wholly as consequent upon the interdict.

sent Reginald of Cornhill with a letter to the men of Kent; the letter announces the breakdown of negotiations with Langton and orders the men of Kent to credit what Reginald of Cornhill shall tell them on the king's behalf, concerning what has been done and what is to be done in this business. In the course of the next week, other officers of the Crown were sent with oral instructions to half the bishoprics of England. The people of the diocese of Bath were told to obey Gerard de Aties as the king's bailiff for the bishopric on and after Monday, 24 March. Robert of Vieuxpont was told to do what had been enjoined upon him concerning the clergy and their goods and possessions in the diocese of Durham.¹ The king's messengers apparently denounced the executors of the interdict (the bishops of London, Ely, and Worcester) and ordered the expulsion of Italians²; it is doubtful whether, apart from this, they threatened the persons of the clergy.³ Their chief business was of a different sort. The king's letters sent to the bishoprics of Lincoln and Ely on 18 March explicitly say that the royal custodians will take into their hands on Monday, 24 March, all the lands and goods of abbots and priors and all religious and clergy of these dioceses who will not celebrate divine service. We may assume that, as the monastic chroniclers say, this order was applied to the whole country. In some places the sheriffs, but in many places special custodians, took charge of both the landed property and the movables of the clergy. They were to hold these possessions in the king's name and give the owners a mere subsistence-allowance. So great an undertaking must have taxed the man-power of the administration to the utmost, and the burden of local management must have fallen in large measure on local men. According to an order directed to Hugh de Nevill on 6 April 1208, the estovers, or reasonable maintenance, allowed to the regular and secular clergy was to be assessed by 'four legal men of the parish'⁴; and this is confirmed by a similar order to Reginald of Cornhill, dated a week later.⁵ Several unofficial sources speak of the locking up of the clergy's barns,⁶ and it seems

¹ *Rotuli litterarum patentium* (Record Commission), p. 80a, b.

² Gervase of Canterbury, *Works* (Rolls Series), ii, 101, 107; *Chron. abbatiae de Evesham* (Rolls Series), p. 225; Roger Wendover, in Matt. Paris, *Chron. maiora* (Rolls Series), ii, 522.

³ Cf. C. R. Cheney, 'King John and the papal interdict', *Bulletin of the John Rylands Library* (hereinafter, *B.J.R.L.*), xxxi (1948), pp. 300-1.

⁴ *Rotuli litterarum clausarum* (Record Comm.), i, 109b. Sir Maurice Powicke is the only historian who has noted the importance of this as a precedent for the summons to St. Albans in August 1213 (*Cambr. Med. Hist.*, vi, 235, n. 1).

⁵ *Rot. lit. claus.*, i, 111b: 'per visum iiii legalium hominum de eadem villa'.

⁶ *B.J.R.L.*, xxxi, 302.

to be clear that the 'four legal men' actually administered the supplies which were contained there. A letter written by Peter of Blois early in 1209 speaks of 'the groups of four villagers (*quaterni rustici*) wickedly standing guard over the clergy's barns'.¹ The continuator of Ralph Niger records that in 1209 'the four men of each vill who last year had taken charge of the clergy's movables by the king's command were now called upon by the king's bailiffs to answer miserably for their custody'.²

How generally and for how long did this state of affairs last? A complete answer to this double question, while it would not by any means tell us all we want to know about King John's spoliation of the churches, would be a valuable contribution to the subject. To supply a partial and provisional answer is the object of this paper. We approach the question without hope of doing more. Not only are we baffled by paucity of evidence; we are puzzled by the apparent contradictions in the little that we have. The chancery rolls for the period are distressingly incomplete, and the Pipe Rolls of the exchequer, which ought to be a principal source, throw, as will be seen, singularly little direct light on the problem.

X The monastic writers provide some details but wrote in some instances long after the event, with bitterness and imperfect recollection, and at best could seldom describe more than the vicissitudes of their own monastery. Of non-monastic writers there is none of importance.

To take first the evidence for a single abbey. The annalist of St. Edmunds was probably contemporary, and may even have been writing during the interdict. He belonged to a famous and wealthy Benedictine house in the thick of affairs. According to him, the king 'arranged to confiscate (*confiscare disposuit*) all ecclesiastical revenues and converted them for the most part to his own use. But out of reverence for St. Edmund, at Guildford where he had celebrated Easter, he granted St. Edmund's abbey its former liberty in all respects.'³ Easter fell on 6 April 1208, and on 7 April, as we learn from the Close Roll, the king informed the Earl of Oxford that he had committed to the abbot of St. Edmunds all the lands, revenues, and goods (*res*) of his abbey which were seized into the king's

¹ Erfurt, Amplonian MS. F. 71, fo. 194v. I am indebted to Mr. R. W. Southern, who discovered the letter, for a transcript.

² Brit. Mus. Royal MS. 13 A. xii, fo. 89r. The Dunstable annalist says that the church property was put in the charge of constables (*Annales monastici* (Rolls Series), iii. 30). 'Constabularius' can have the general meaning of warden or controller (cf. A. L. Poole, *Obligations of society*, p. 50) and may here refer to the four legal men.

³ *Ungedr. anglo-normannische Geschichtsquellen*, ed. F. Liebermann, p. 146.

hand by reason of the interdict, because the abbot will be answerable for the proceeds at the king's will, saving his reasonable estovers.¹ So it seems that St. Edmunds suffered confiscation, in common with other monasteries, on 24 March, and recovered the administration but not the free disposal of its property within three weeks. One would not infer from the royal letter of 7 April that the abbey would thereafter enjoy 'its former liberty'; but the annalist was perhaps thinking of the abbot's legal rights within the Liberty of St. Edmund. A lawsuit between the abbot of St. Edmunds and the bishop of Ely, which came before the royal court on or about 23 April, was postponed *sine die* because all the property (*res*) of the two litigants was in the king's hand; later in the same Easter term the abbot was awarded seisin in a case in which the plaintiff failed to appear.² King John's devotion to St. Edmund (independently recorded by Jocelin of Brakelond) was unlikely to prevent him from taking an opportunity to make money, and we may guess that Abbot Samson purchased this freedom with a great sum. But if he made fine with the king, the Fine Roll of 9 John contains no record of it; nor do the Pipe Rolls of ensuing years indicate that the king ever called upon the abbot to answer for the abbey's revenue. All we know is that when the king's exactions from the abbey were discussed after the interdict, in December 1214, the monks presented a bill for 4,000 marks on account of *ablata*³: this is not at all helpful.

Was the position of St. Edmunds exceptional during these years? That is the question. Most of the chroniclers who record the confiscation have no more to say about it, but we cannot safely argue from their silence. The historian of the Cistercian abbey of Meaux, in the East Riding, says that at this time all religious houses made fine with the king for their possessions, save only Abbot Alexander of Meaux, who refused to pay the thousand marks which Richard de Marisco demanded for the king.⁴ The annalist of Worcester says briefly that 'the king disseised all ecclesiastical persons of all their goods and possessions, but afterwards made restitution to the religious'.⁵ So far as Worcester Cathedral Priory is concerned, the Close Roll shows that the priory regained control on or about 12 April

¹ *Rot. lit. claus.*, i. 110a.

² *Curia Regis Rolls*, v. 157, 207. Four years later the abbey successfully claimed its jurisdiction when the plaintiff tried to get a hearing in the king's court (*ibid.*, vi. 206).

³ *Memorials of St. Edmunds* (Rolls Series), i. 111.

⁴ *Chron. abbatiae de Melsa* (Rolls Series), i. 326; cf. 351-2.

⁵ *Annales monast.*, iv. 396.

1208.¹ And the case of Worcester is but one among many. Between 27 March and the middle of May (when, alas, the record stops), the Close Roll records over a hundred licences to prelates, clergy, and others to have custody of their own property or of some other ecclesiastical property taken into the king's hand by reason of the interdict. Some are in the form used for the abbot of St. Edmunds, providing that the recipient will be answerable to the king; others modify or omit the clause.

This is the distinction which was common enough in the exercise of royal wardship in the early thirteenth century. Wardship might be committed to a custodian who held the property for the royal profit, or granted outright to a custodian who rendered no account. In the cases under consideration commission was much commoner than grant. Even where the word *commisimus* is not used, some phrase implies that the grant was not absolute. Thus, the sheriffs are told to let the archdeacon of Stafford have his property and his revenues in peace, 'because he will answer to us therefor if we should so wish', and they are to let the king know what remains in the archdeacon's custody and what it is worth.² The canons of Exeter, who are to have their lands, revenues, and possessions in peace, have bargained with the king to remove nothing, waste nothing, and take nothing beyond their reasonable estovers, through which damage to the king might occur.³ In only fifteen cases is a grant without further obligation on the grantee implied. Certain clerks are to hold their property until further orders,⁴ or to hold it in peace,⁵ and William of Cornhill, archdeacon of Huntingdon, is to have in peace his corn from Awelton and sell it or do what he likes with it.⁶ The letters in favour of the bishops of Winchester, Norwich, Bath, and Hereford refer to grants, not commissions: *reddidimus* is the word used⁷; likewise with the Cistercian Order⁸ and a few individuals who are recognizably men with influence at court.⁹

The commissions may be divided into two categories according as they commit the property to the ecclesiastical owners or to other persons. In the second category are the notifications that the king has committed to Adam de Portu

¹ *Rot. lit. claus.*, i. 111b.

² *Ibid.*, i. 107b (26 March).

³ *Ibid.*, i. 110a (7 April).

⁴ *Ibid.*, i. 108b (4 April: Peter of Blois).

⁵ *Ibid.*, i. 108a (2 April), and cf. 110a, 111b, 113a.

⁶ *Ibid.*, i. 109b (7 April).

⁷ *Ibid.*, i. 108b, 111a, 113b (the word is not used in the case of Hereford).

⁸ *Ibid.*, i. 108b (4 April).

⁹ *Ibid.*, i. 108b (Philip de Lucy), 110b (prior of Frampton), 113b (Humphrey de Basingbourne, archdeacon of Salisbury). Also grants for Hugh de Nevill (i. 111a) and Richard de Marisco (i. 111b).

the custody of his priory of West Sherborne, and that Brian de Lisle is to have the property of Alexander of Dorset, 'our clerk'.¹ In several instances, the custodian is brother or father of the clerk concerned.²

All told, these licences cover a larger proportion of English church property than their number suggests. Comprehensive grants were made, for instance, to the prior of the Hospital in respect of all the Hospitallers' property³; to the monks of the Cistercian Order of all England⁴; to the master of the Order of Sempringham⁵; to the bishop of Winchester to have his episcopal lands, those of the cathedral priory, and those of St. Mary's Abbey and the churches of his fee and gift.⁶ In three separate grants the chief justice, Geoffrey FitzPeter, obtained custody of the monasteries in his patronage (Walden, Shouldham, and Hurley), the property of the clergy of his demesne and wardships and of clerks of his household, and the property of the Order of the Temple throughout England.⁷ The bishops whose property was returned to them all obtained custody of their cathedrals' property. The cathedrals of two of the four vacant sees also recovered their possessions.⁸

These grants and commissions raise a good many problems. Whether they were generally given for a consideration we cannot say with certainty; but this is suggested by the remark of the historian of Meaux and also by Adam of Eynsham, biographer of St. Hugh, who states that most rectors redeemed their property from lay hands with money.⁹ In the case of St. Albans—if we may believe Matthew Paris—the king first took a fine of 600 marks and shortly afterwards, through his agent, the notorious Richard de Marisco, demanded a present of 500 marks.¹⁰ At Peterborough, where the sheriff, Robert de Braybrook, had accounted at Michaelmas 1210 for £1,000 15s. 2d. as the gross receipts of six months,¹¹ a presumably new arrangement was recorded in 1211, whereby the prior farmed the abbey for an annual payment of £600.¹²

¹ *Rot. lit. claus.*, i. 108b, 109a.

² *Ibid.*, i. 109b (William Malet), 110b (William of Huntingfield and Henry Hosatus), 114a (William de Sancto Iohanne and Ralph Hareng).

³ *Ibid.*, i. 108a (1 April).

⁴ *Ibid.*, i. 108b (4 April).

⁵ *Ibid.*, i. 112a (13 April).

⁶ *Ibid.*, i. 108b, 111a (1, 10, 12 April).

⁷ *Ibid.*, i. 107b, 110a (26, 27 March, 9 April).

⁸ *Ibid.*, i. 110a, 112a (Exeter and Lincoln).

⁹ *Magna vita S. Hugonis* (Rolls Series), pp. 303-4.

¹⁰ *Gesta abbatum S. Albani* (Rolls Series), i. 241-3.

¹¹ P.R.O., Pipe Roll 12 John rot. 19, m. 1d.

¹² Pipe Roll 13 John rot. 17, m. 1d. To this sum was added 400 marks and 100 measures of corn and 100 measures of oats for possession of the abbot's portion during vacancy. T. Madox, *Hist. of the Exchequer* (2nd ed., 1769), i. 411, note t, quoting this entry, reads 300 for 400 marks.

One confusing feature of the situation is the incompatibility of certain grants. Whereas the Gilbertine priory of Shouldham was committed to its patron, Geoffrey FitzPeter, on 26 March 1208,¹ the whole possessions of the Gilbertine Order were committed to its master on or about 13 April.² And a few days after two canons of Hereford were granted their lay fees and chattels, their bishop was granted 'all the lands, tenements, property, and revenues of his cathedral church and of his canons'.³ In the absence of financial accounts, there seems no way of discovering how these difficulties were resolved. On the other hand, the apparent conflict between the mandate issued in favour of the Cistercians on 4 April 1208⁴ and the statement already cited of the historian of Meaux is explicable on the supposition that the general grant of 4 April was a reward to the Cistercians for their refusal to observe the interdict.⁵ When, early in 1209, the pope called them to order, the Cistercian abbeys probably had to fine separately for the custody of their lands; but we have practically no record of this for lack of Close Rolls after the middle of May 1208. At Michaelmas 1210 Roger de Lacy, constable of Chester, owed the king two good palfreys for the abbot of Stanlaw, that he might hold all his property in peace.⁶ A year later Brian de Lisle rendered account of £100 'de abbate de Basingewerc pro habenda benevolencia regis et pro habendis terris et redditibus suis captis in manu regis occasione malivolencie quam rex versus eum habuit'.⁷ On the same Pipe Roll, under *Nova oblata*, the abbot of Strata Florida accounted for 1,200 marks, without reason stated.⁸ The ambiguous forms of the last two records and their date (1211) suggest that they arose from John's taxation of the Cistercians in the autumn of 1210.⁹

We are now brought to the question: do the hundred or so licences recorded on the Close Roll represent all, or nearly all, that were issued? If so, the king had an enormous amount of ecclesiastical property on his hands. Among the great

¹ *Rot. lit. claus.*, i. 107b. Described as the Abbey of Shouldham.

² *Ibid.*, i. 112a.

³ *Ibid.*, i. 113a and b (about 20 April and 28 April).

⁴ *Ibid.*, i. 108b.

⁵ On this episode see Innocent III's letters of February–March 1209 in Migne, *Patrologia latina*, ccxv. 1563, 1564, ccxvi. 19, 21; Wendover in Matt. Paris, *Chron. maiora*, ii. 524; Walter of Coventry, *Memoriale* (Rolls Series), ii. 199; *Statuta capitulorum gen. ord. Cisterc.*, ed. J. M. Canivez, i. 351.

⁶ *Lancs. Pipe Rolls*, ed. W. Farrer, p. 237. They were the equivalent of £10 (*ibid.*, p. 241).

⁷ Pipe Roll 13 John rot. 14, m. 2d.

⁸ *Ibid.*, rot. 7, m. 2d. There were possibly special political reasons for a heavy fine on Strata Florida: cf. *Rot. lit. claus.*, i. 122 (17 August 1212).

⁹ Cf. Mitchell, *Studies in taxation*, p. 105.

Benedictine houses Westminster, St. Augustine's, Canterbury, Glastonbury do not appear on the Close Roll as recipients of licences; nor do the cathedral chapters of Carlisle, Durham, York, Chichester, Ely, Lichfield, London, or Rochester. The Order of Prémontré is almost entirely missing,¹ the unmentioned monasteries of other orders are numerous. The list of secular clergy is very short. In one case, at least—that of St. Albans—there is external evidence that the abbey fined with the king at some date unspecified to recover possession of its property.² Some more scraps of information in the public records bear upon the question. They may be considered according as they throw light on three matters: fines for the resumption of property, administration of property by its owner during the interdict, and continuance of royal custody.

For traces of fines one naturally turns to the Pipe Rolls. They do not, it must be admitted, abound in evidence. Lady Stenton has recently commented upon the roll for 1208 and noted 'very little evidence' of the fines made by ecclesiastical persons and institutions in consequence of the interdict in order that they might farm their own possessions: in fact, she produced no instance, and considered it possible 'that all the numerous fines due from ecclesiastical persons and institutions, as well as from laymen, for being allowed to farm church lands were never entered on the Pipe Rolls'.³

On this matter of fines for right to farm or to obtain an unrestricted grant, the later Pipe Rolls are almost equally unrewarding. The roll for 1209 has a solitary entry which may be connected with the general confiscation: 'Prior de Plinton' [Plympton, Devon] reddet compotum de uno palefrido pro habendo prioratu suo et rebus ad illum pertinentibus que fuerunt in manu regis'⁴; even here the disseisin is not explicitly stated to have been occasioned by the interdict. The prior of Plympton, be it noted, was among those monastic

¹ Durford was committed to its patron and Langley to its abbot in April 1208 (*Rot. lit. claus.*, i. 110b).

² *Supra*, p. 134. We may credit the statement of the *Gesta abbatum* that Abbot John de Cella recovered custody of his abbey, apparently by grant (*in pace*). But when this happened is doubtful. Whereas Matthew Paris says that Robert of London was granted the custody (before the abbot recovered seisin) as a reward for his embassy to Morocco, placed in 1213, the letters patent appointing Robert of London and Matthew Mantell to be custodians are dated 29 March 1208 (*Chron. maiora*, ii. 564; *Gesta abbatum*, i. 241; *Rot. lit. pat.*, p. 81a).

³ *Pipe Roll 10 John*, ed. Doris M. Stenton (Pipe Roll Soc., N.S. xxiii, 1947), pp. xi-xii. In references hereafter in the text to the Pipe Roll of a particular year, the year is the one in which the account was made up (at Michaelmas and after). In footnotes P.R. = Pipe Roll.

⁴ P.R. 11 John, rot. 8, m. 1d.

prelates who were able to litigate in the king's court in the Easter term of 1208. Again, the Pipe Roll of 1211 records that the prior of Ystleswrd' (Isleworth, Middlesex) owes 200 marks and four palfreys 'pro habenda seisinā terrarum et reddituum suorum in comitatu Essexie',¹ but we do not know the cause of the disseisin. Payments by ecclesiastical persons or communities to have the king's goodwill or favour² cannot with any certainty be laid at the door of the interdict, for similar payments frequently occur in earlier years and ecclesiastics are not the only debtors. Nor can we include the large sums charged against the monks of Peterborough, Battle, St. Edmunds, and St. Augustine's, Canterbury, for having custody of their abbeys during vacancy.³ On the other hand, the case of Peterborough, already cited, is significant. Here, in 1211, when the prior fines for custody of the whole house during vacancy, the clerk of the exchequer notes that the prior will render to the king annually £600 for the farm of the abbey.⁴ Peterborough had evidently recovered its property recently, and only administered it by commission, not by grant, at the cost of a heavy farm. No other mention of this transaction has been found, and if the prior paid the farm, it must have gone direct to the royal camera. Clearly, then, the argument from silence cannot be used to prove that monasteries did not fine with the king to regain custody of their possessions. The evidence so far examined leaves the possibility of these transactions occurring at any time during the interdict.

We may next consider such evidence as exists for the administration of ecclesiastical property by its owners during the interdict. The Pipe Rolls show that monasteries (concerning which we have no positive record that the king had relaxed his hold) had been disseised of lands, not on account of the interdict but for some other reason. On the roll for 1209 the abbot of Croyland owes four palfreys to have the lands, revenues, and chattels of which he was disseised because he was said to have excommunicated the king's servants.⁵ On

¹ P.R. 13 John rot. 5, m. 2d. There was perhaps a cell of S. Valéry here. The remaining half of this fine was pardoned to the prior in 1214, 'pro dampnis sibi factis per preceptum regis' (P.R. 16 John rot. 1, m. 2).

² P.R. 11 John rot. 11, m. 1 (chapter of York); P.R. 12 John rot. 4, m. 2 (Geoffrey, archdeacon of Suffolk) and rot. 12, m. 1d (prior of Blyth); P.R. 13 John rot. 3, m. 1d (Laurence, clerk of Wilton) and rot. 21, m. 2 (Roger, archdeacon of Suffolk).

³ P.R. 13 John rot. 17, m. 1d; rot. 17, m. 2; rot. 21, m. 2; P.R. 14 John rot. 2, m. 2d.

⁴ *Supra*, p. 134. 'Et idem prior etiam reddet singulis annis regi de firma eiusdem abbacie £600.'

⁵ P.R. 11 John rot. 4, m. 1d; P.R. 12 John rot. 1, m. 1d; *Red book of the exch.*, iii. 822.

the roll for 1211 six English priories of Le Bec Hellouin owe fines of one hundred marks apiece for seisin of their lands, and in the case of St. Neots the occasion of the disseisin is plainly stated as the death of the abbot of Le Bec.¹ The inference is that these lands, which were not in the king's hand on account of the interdict, had been released since the first general confiscation. We have seen that four wealthy Benedictine houses which had lately lost their abbots were prepared to pay large sums to have custody of the abbot's portion during the vacancy.² They would scarcely have done so if, at the time, all their property lay in the king's hand.

At this point the Curia Regis Rolls deserve examination, although they are far from providing a solution of the problem. The records of the king's court for Easter and Trinity terms 1208 yield a small crop of cases like the one concerning the abbey of St. Edmunds which has been already cited: there is postponement *sine die* because the property of one or more of the litigants is in the king's hand.³ In no case is a secular clerk the litigant in question; only in the cases of St. Edmunds and Sempringham does the postponement follow the commission of custody to the prelates concerned; and while the abbot of St. Edmunds is again in action in the court before the end of the term, the master of Sempringham appears in a case in Easter term 1212.⁴ So far, so good. We might suppose that these two cases were postponed because the release of the lands had only followed the commission on the Close Roll after some few weeks' delay. But other cases concern religious houses for which no release is recorded (before 19 May 1208, when the Close Roll fails us), and these cases show variety of practice. The prioress of Clerkenwell, who had *licencia concordandi* in one case, saw another case in which she was defendant postponed 'sine die quamdiu prioratus fuerit in manu domini regis'; yet a little later she obtained a quitclaim of land in

¹ P.R. 13 John rot. 8, m. 2. Cf. Ogbourne and Ruislip, *ibid.*, rot. 9, m. 1d; Goldcliff, *ibid.*, rot. 12, m. 1d; Steventon, *ibid.*, rot. 17, m. 2; Stoke, *ibid.*, rot. 21, m. 1. William II, abbot of Le Bec, died 18 September 1211 and his successor was elected and consecrated within a fortnight (A. A. Porée, *Hist. de l'abbaye du Bec*, i. 523, 544). Cf. *Pipe Roll 10 John*, p. xiv.

² *Supra*, p. 137. In July 1213 the king wrote to the priors and convents of St. Augustine's, Canterbury and Peterborough and Battle, whereas he addressed the custodians of St. Benet's Holme and Whitby (*Rot. lit. claus.*, i. 150).

³ *Curia Regis Rolls*, v. 157 (St. Edmunds), 158 (Peterborough, Croyland, Sempringham), 161 (Dereham, Lewes; cf. p. 174 (about 27 April): 'quia prioratus est in manu comitis Warenn', and *Rot. lit. claus.*, i. 112b), 188 (Thornholm), 199 (Clerkenwell), 202 (Osney), 271 (St. Benet's Holme). Cf. C. T. Flower, *Intro. to the Curia Regis Rolls* (Selden Soc., lxii, 1944), p. 458.

⁴ *Curia Regis Rolls*, v. 207, vi. 251, etc.

court.¹ While a case concerning Peterborough was stopped in the early days, the abbot was in action again before term had ended.² Had the abbey meanwhile recovered custody of its property? Our evidence suggests the contrary. Eight or nine other monastic prelates are parties to litigation without hindrance during Easter term 1208 and yet, according to the Close Roll, they had not recovered custody. Moreover, among the many cases concerning clerks and religious in Trinity term 1208, only two show ecclesiastical property in the king's hand.³ Thereafter, no case was postponed *sine die* on this account. The only mention of royal custody that appears between Trinity term 1208 and the end of the interdict concerns the abbot of Waverley, in Michaelmas term 1210, and then a later day was appointed 'because it is not known whether the abbey is in the hand of the lord king or not'.⁴ This synchronized with the heavy taxation of the Cistercians, when the monks of Waverley dispersed for a time and the abbot fled by night from the abbey.⁵ And the case went on.

The sole postponement *sine die* in Trinity term 1208 deserves more attention for its sequel. Peter de Alto Bosco had sued Abbot Ralph of St. Benet's Holme in an assize of novel disseisin and the case was reopened in Michaelmas term 1213 with a new abbot of St. Benet's as defendant. The new abbot said that there was no novel disseisin because the king had given him seisin of all lands of which his predecessor had died possessed⁶: these included the lands in question. To this the plaintiff replied that in 1208 the king's writ respited the action for the very reason that Abbot Ralph had not then seisin of the disputed land or of any other of the abbey's land. The abbot, in his reply to this, said 'that the lord king admittedly had placed a custodian in the abbey as he had done in all the religious houses in England; but he made no disseisin of lands or tenements and took nothing therefrom (*nec aliquid inde cepit*)'.⁷ This *ex parte* statement may not be very good evidence for the events of 1208, but, with all allowance made

¹ *Ibid.*, v. 189, 199, 223.

² *Ibid.*, v. 158, 187, 188. The abbot appoints an attorney. The king tells the justices to postpone an advowson case between the prior of Thornholm and the abbot of Peterborough 'quamdiu prioratus fuerit in manu sua'.

³ *Ibid.*, v. 271 (St. Benet's Holme), 283 (St. Bartholomew's Hospital, London). In the second case—one of mort d'ancestor—the defendant produced the prior to warranty 'et petit pacem per hoc quod domus S. Bartholomei est in manu domini regis. Nichil dictum est quare assisa remaneat.' The defendant lost his case.

⁴ *Ibid.*, vi. 69.

⁵ *Ann. monast.*, ii. 265.

⁶ He died 4 February 1210 (*Chron. Joh. de Oxenides* (Rolls Series), pp. 296, 434).

⁷ *Curia Regis Rolls*, vii. 6; cf. 24, 40.

for special pleading, it still supports the inference we should draw from other cases on the Plea Rolls. When the interdict began, the Curia Regis sometimes regarded royal custody as an obstacle to litigation; but not always. The court may simply have admitted the plea, as a justification for postponing the case, when it was advanced by one of the parties.¹ It was soon seen, however, that financial control over the clergy could be maintained without interference with their rights and obligations as litigants,² and after the summer of 1208 the plea was not admitted as a cause of postponement. We cannot allege this as proof that royal custody was everywhere abandoned in 1208 (though these facts would be compatible with that conclusion), but rather that the judges' attitude towards the monasteries in custody was undefined during the first three months of the interdict and then achieved definition.

Our third line of enquiry is directed to examples of positive evidence that the king retained custody. Here a modicum of information is provided by the clerks who drew up the Pipe Rolls, and this can be supplemented slightly from other sources. Again the question will arise: is the record complete?

When the interdict was published the sees of Canterbury, Chichester, Exeter, and Lincoln lay vacant in the king's hand, while York was administered by royal custodians as a result of King John's quarrel with his half-brother, Archbishop Geoffrey. During the next few months Durham and Lichfield fell vacant. Of these, Canterbury, Durham, and York were not filled until after John's submission in 1213; elections were made in 1209 to the bishoprics of Chichester, Exeter, Lichfield, and Lincoln.³ The remaining English sees include those of the three executors of the interdict—London, Ely, and Worcester—and of Hereford, whose bishop followed the others into exile in the spring of 1208.⁴ The bishops of Winchester and

¹ In probably all the recorded cases of postponement (above, p. 138, n. 3), it was the defendant's house which was in custody.

² Cf. *B.J.R.L.*, xxxi. 308.

³ *Ann. monast.*, iii. 31; iv. 54. Hugh de Wells was bishop-elect of Lincoln by 14 April 1209 (*Rot. chartarum*, p. 185b); Henry de Londres was elect of Exeter by 8 August (Gervase of Canterbury, *Works*, ii, p. ci); Walter de Gray appears as elect of Coventry on P.R. 12 John rot. 16, m. 2; Master Nicholas de Aquila is apparently described as bishop of Chichester in a document of 1 June 1209 (Dallaway, *Hist. of W. Sussex*, II. ii (1830), 270). The elections of Londres and Gray were quashed in 1211 (*Ann. monast.*, iv. 399; cf. *Monasticon angl.* (ed. 1817-30), viii. 1242-4).

⁴ Giles de Braose had not recovered possession of the castles of the see of Hereford, and these, with all the other property, was committed to Gerard de Aties on 23 May 1208 (*Rot. lit. claus.*, i. 113b, and *Rot. lit. pat.*, p. 83b).

Norwich, and possibly Carlisle,¹ remained in England throughout the interdict; there remained with them until the autumn of 1209 the bishops of Bath, Lincoln, Rochester, and Salisbury.

Were all these sees, vacant or full, retained in the king's hand? Or did the Crown discriminate, and if so, how? The Pipe Rolls show no accounts for Winchester or Norwich, whose bishops were the king's trusty servants; and the Close Roll shows that their possessions were released as early as 5 April 1208.² Bath, Salisbury, and Hereford also regained possession of their property within a few weeks, but the bishop of Hereford had forfeited control by 23 May 1208.³ While Hereford leaves no trace on the Pipe Rolls, John FitzHugh answered in 1209 for £184 11s. 6d. which he had received from the sale of stock of the bishopric of Salisbury.⁴ He continued to collect revenue from this see in the next three years.⁵ Bath appears on the Pipe Roll in custody in 1211, when Thomas Peverel is named as *custos*, and he renders full account in 1212.⁶ Canterbury, Chichester, Durham, and Exeter are fairly completely accounted for on the Pipe Rolls between 1208 and 1212.⁷ Accounts for London, Worcester, and York first appear on the Pipe Roll in 1212.⁸ There are no accounts for Carlisle, Ely, Lichfield,⁹ or Rochester.

These facts may be supplemented by two records on the Misae Roll of 1209-10. On 17 May 1209 Ralph Parmentarius was entrusted with £1,000 from the profits of four bishoprics: Lichfield (? £189), Ely (£55), Durham (£220), and

¹ Bishop Bernard of Carlisle is not mentioned by any of the chroniclers of the interdict and his movements are uncertain. An agreement between the abbeys of Furness and Fountains which he witnessed in 1211 (*Fountains chartulary*, ed. W. T. Lancaster, i. 61, no. 74) may have been made at Melrose (*Chron. of Melrose*, ed. A. O. and M. O. Anderson, p. 55).

² *Rot. lit. claus.*, i. 108b.

³ *Ibid.*, i. 111a, 113b.

⁴ P.R. 11 John rot. 13, m. 2.

⁵ P.R. 13 John rot. 5, m. 1d; 14 John rot. 5, m. 1.

⁶ P.R. 13 John rot. 7, m. 1d; 14 John rot. 1, m. 1d; cf. 16 John rot. 7, m. 2d, and *Rot. lit. claus.*, i. 135b.

⁷ The accounts for Chichester, Exeter, and Lincoln for the years 1208 and 1209 were not recorded at the exchequer because they were returned to the camera (P.R. 11 John rot. 1, m. 2; rot. 6, m. 2d; rot. 8, m. 1d).

⁸ P.R. 14 John rot. 1, m. 1; rot. 1, m. 2d; rot. 6, m. 2d. The London account extends from 24 June 1211; it also covers arrears and the proceeds of Stortford and Maldon for three years before this date. An entry on 13 John rot. 10, m. 2, relating to the scutage of Wales shows Giun de Chancels answering for a debt of the bishop of Worcester.

⁹ Lichfield was committed to Master John of Ramsbury and Robert Lupus on 9 October 1208 (*Rot. lit. pat.*, p. 86b). On P.R. 16 John rot. 14, m. 1d, is the unsatisfying item: 'Idem R. [Robertus Lupus] (*space*) de exitibus episcopatus Cestrie.'

London (£536).¹ On 28 June following Reginald of Cornhill received £90 from the bishopric of Exeter.² Three of these bishoprics were vacant at the time; the other two (Ely and London) were full, but the bishops had left England early in 1208.

The first impression derived from these details about the bishoprics is disheartening, for the accounts on the Pipe Rolls have omissions and gaps which make the rolls an imperfect guide to the duration of royal custody. We are warned against arguing confidently from the silence of the Pipe Rolls. At the same time it is to be remarked that bishoprics only prove to be in royal custody (a) when the see is vacant, (b) when the bishop-elect is not known to have been confirmed,³ or (c) when the bishop was probably abroad.⁴

The evidence for monastic houses next demands attention. We have seen that a great many monasteries fined to recover control of their property within a few weeks of its confiscation, and that others evidently obtained free disposition of their property. Nevertheless, the Pipe Rolls witness to a great deal of property being in the king's hand in the latter years of the interdict, and the circumstances are significant. The numerous accounts for religious houses on the rolls from 1208 to 1214 concern seventeen monasteries, almost all of which were demonstrably headless, or at least were headless in 1213 and may have been so during the whole period of account.⁵ Christ Church, Canterbury, whose prior, Geoffrey, was in exile with his monks from 1207 until his death in June 1213, is obviously a special case. The two other possible exceptions are Tewkesbury and Battle. The succession of abbots of Tewkesbury

¹ *Rot. de liberate ac de misis et praestitis* (Rec. Comm.), p. 110. The missing figures for Lichfield ('Cestr' . . . et ix l.') are probably *c iiii^{xx}*, which brings the total to the £1,000 mentioned in the margin of the roll.

² *Ibid.*, p. 115.

³ Hugh de Wells received the possessions of the see of Lincoln when elected, according to Wendover, and lost them when he was consecrated at the end of 1209 (Matt. Paris, *Chron. maiora*, ii. 526, 528).

⁴ Salisbury may provide an exception, since John FitzHugh accounted for 'venditio instauri episcopatus' on the Pipe Roll for 1209, but it is not impossible that this represents a seizure late in Michaelmas term. Bishop Herbert was in Scotland about Martinmas (*Chron. Melrose*, p. 54). He may have returned later on, for a letter of presentation was directed to him on 19 April 1212 (enrolled out of order, *Rot. lit. pat.*, 95b; cf. *Rot. chart.*, i. 189a). His property was then in the custody of John FitzHugh, who received orders of 13 December 1212 to hand over to Ralph of Winesham. Ralph was closely associated with the bishopric (cf. *Salisbury charters and docs.* (Rolls Series), pp. 66-8, and *Curia Regis Rolls*, vii. 124).

⁵ Abbotsbury, Battle, St. Aug. Canterbury, Ch. Ch. Canterbury, Chertsey, Eynsham, Grimsby, Kenilworth (with Stone and Calwich), Malmesbury (no amount stated), Middleton, Peterborough, Ramsey, St. Benet's Holme, St. Edmunds, Sherborne, Tewkesbury, Whitby.

shows no vacancy during the interdict¹; but the Pipe Roll contains accounts for the house for three and a half years from Easter 1208.² For Battle Abbey we have custodians' accounts for the years 1210 and 1211,³ and an arrangement dated 18 December 1211⁴ whereby the prior and convent were to get custody of the abbatial portion during any vacancy. No further accounts of custodians appear on the Pipe Roll except in respect of the abbey's manor of Bromham.⁵ We might infer that the abbot died in 1211 and that the monks then obtained and retained custody of the abbey in the same way as Peterborough had done.⁶ Against this we must set Browne Willis's statement that Abbot John of Dover (who succeeded in 1200) died on xii kal. Jul. 1213.⁷ The abbacy was indubitably vacant on 24 July 1213, when the prior and convent were instructed to elect an abbot.⁸ There remains some doubt whether the vacancy had occurred in 1211.

With these exceptions, the monastic accounts on the Pipe Rolls apparently concern none but headless houses. Interdict or no interdict, these would have been in the king's hand. There is, however, one marked difference from earlier practice in the method of accounting to the exchequer for vacancies during the interdict. Long before the reign of John, many English religious houses had made division of their revenues between the abbot's *mensa*, or portion, and the convent's.⁹ At a vacancy, the king or other patron had, by old custom, custody of the abbot's property, but he was supposed to leave the convent undisturbed in the enjoyment of property and rents specially assigned to it. This arrangement is reflected in the Pipe Rolls of Henry II, Richard, and John, by the record of the royal custodian's receipts. He is said to render account of a sum 'de exitu abbacie de S. Æd mundo de parte

¹ Abbot Walter, who succeeded in 1202, is said to have died in 1214 (*Ann. mon.*, i. 61; Winchcomb annals in Cotton MS. Faustina B. i supply the abbot's name at this point). An entry on *Rot. lit. claus.*, i. 206, confirms this. The entry of Abbot Walter's death under 1203 in the Winchcomb annals is therefore probably an error; it has produced an unintelligible note on Abbot Walter in the Tewkesbury annals under 1203 (*Ann. mon.*, i. 57).

² P.R. 13 John rot. 17, m. 1d.

³ *Ibid.*, rot. 13, m. 2d.

⁴ *Cal. Charter Rolls*, i. 25, and *Monasticon angl.*, iii. 247b; cf. P.R. 13 John rot. 17, m. 2.

⁵ P.R. 14 John rot. 16, m. 1 and 2.

⁶ *Supra*, p. 137. P.R. 14 John rot. 10, m. 2, records the payment of the remainder of the monks' fine: 'Monachi de Bello, R. de Cornhill' pro eis redditu compotum de 1000 marcis sicut supra continetur'. I am unable to suggest why Reginald de Cornhill was responsible for this debt. He was not *custos* in the preceding year.

⁷ *Hist. of the mitred parliamentary abbies* (1718), i. 35.

⁸ *Rot. lit. claus.*, i. 150b.

⁹ M. D. Knowles, *Monastic Order in England*, pp. 435 ff.

abbatis preter victum monachorum',¹ or 'de redditibus et exitibus et perquisitionibus de his que pertinent ad cameram abbatis'²; or some formula of similar import is used.³ In other abbeys the accounts suggest that there was no division of revenues and that the custodian had charge of all: for here, while the record of receipts makes no distinction, the expenses side of the account shows sums paid 'in necessariis expensis monachorum . . .',⁴ or, more explicitly, 'in victu et vestitu monachorum . . .',⁵ or 'ad vestimentum monachorum . . . et in victu monachorum . . .'.⁶ During the interdict this difference in treatment vanishes. In one headless house after another we find the custodian charging expenditure 'in victu et vestitu monachorum'. We may infer that the estates of the convent as well as those of the head of the house had come under the custodian's control.⁷

The abbey of Ramsey, which had come into royal custody when Abbot Robert resigned or was deposed in the early part of 1206, presents clearly this contrast in methods of accounting. In the account for the twelve months ending 24 June 1207 we read: 'Iohannes archidiaconus Wigorn', magister Hubertus ut custos pro eo, reddit compotum de £508 os. 1d. de omnibus exitibus eiusdem abbacie preter hoc quod pertinet ad victum et vestitum monachorum.' That this account only includes the abbatial *mensa* is confirmed by the expenditure: 'in necessariis expensis infra abbatiam preter cameram et cellarium monachorum . . .'.⁸ Compare this with the first comparable accounts rendered during the interdict: those of Michaelmas 1211.⁹ 'Robert de Braibroc, Henricus filius eius pro eo, ut

¹ *Pipe Roll 27 Henry II* (Pipe Roll Society, xxx, 1909), p. 93. Cf. *Pipe Roll 8 John*, p. 190 (Malmesbury).

² *Chancellor's Roll 8 Ric. I* (Pipe Roll Soc., N.S., vii, 1930), p. 175 (St. Mary's, York).

³ At Whitby and Glastonbury the accountants in 1194 and 1195 made a further deduction: 'preter victum monachorum et necessarias expensas et operationes factas in abbacia' (*Pipe Roll 6 Ric. I*, p. 10; *Pipe Roll 7 Ric. I*, pp. 28, 48).

⁴ *Pipe Roll 8 John*, p. 46 (Hyde).

⁵ *Pipe Roll 7 Ric. I*, p. 57 and *Chanc. Roll 8 Ric. I*, p. 207 (Winchcomb).

⁶ *Pipe Roll 1 Ric. I* (Rec. Comm.), p. 6 (Sherborne).

⁷ True, the expenditure on food and clothing is sometimes so small as to preclude the possibility that it covers the whole cost of the monks' maintenance. The account for Eynsham on P.R. 12 John rot. 1, m. 1, points to an explanation: 'Et in victu et vestitu monachorum preter blada horreorum £20 2s. 4d.'

⁸ *Pipe Roll 10 John*, p. 189. The preceding roll gives details of receipts (totalling £586 16s. 8d.) and specifies the manors from which the monks draw their portion.

⁹ P.R. 13 John rot. 13, m. 1d. A copy is printed in *Cartularium mon. de Rameseia* (Rolls Series), iii. 215-17. From June 1208 to December 1209 John of Brancaster answered to the king in his camera, and on P.R. 12 John rot. 19, m. 1d, Robert de Braibroc answered for nine months, to Michaelmas 1210.

custos, r.c. de . . . £1,320 18s. 9d.' The details of these receipts show no exclusion of the convent's manors and include the item 'de superplusagio celarii £280 15s. 3d.', which suggests that the custodian received the revenues of the cellar, even if the cellarer collected them.¹ Moreover, among the expenses now appear fairly large sums for the monks' clothing (£46 13s. 4d.) and for the monks' kitchen (£38 12s.). Naturally enough, in these circumstances, the division between the abbot's *mensa* and the convent's might become obscured; and Bishop Hugh de Wells of Lincoln later certified that this had happened in respect of the manor of Lawshall. He obtained for Ramsey in August 1213 a royal writ to Roger de Nevill to give the monks full seisin, 'si vobis constiterit quod manerium de Laushall' spectet ad victum et vestitum prioris et monachorum'.²

It seems, then, that a monastery which remained headless during the interdict commonly suffered thoroughgoing exploitation by the Crown.³ At the same time, when all allowance has been made for the incompleteness of the Pipe Rolls, it is surely significant that we find there hardly any accounts for a house while its abbot was alive. The few exceptions—Tewkesbury and Battle—show, however, that there was no rigid rule whereby only the headless houses were answered for at the exchequer.

The other records at our disposal provide little more direct evidence of monasteries submitting to continuous confiscation between 1208 and 1213. A writ of 8 July 1215 restored to the abbot and canons of Cirencester the seven hundreds of Cirencester with all their appurtenances, of which Gerard de Aties had disseised them.⁴ If the disseisin occurred when Gerard was sheriff of Gloucester (1207-9),⁵ it may have been incidental to the general confiscation in March 1208 and not have been revoked when the abbot recovered his abbey in

¹ In the preceding nine months this item was £226 9s. In the year ending Michaelmas 1212 it was £183 6s. 7d. That the cellarer continued to administer the convent's estates and simply paid the profits to the custodian is suggested by the fact that the sum for farms, rents of assize, and sale of works does not rise very steeply between 1207 and 1212.

² *Rot. lit. claus.*, i. 148ab; *Cart. mon. de Rameseia*, ii. 195-6.

³ After John's submission, the older procedure significantly reappears; cf. P.R. 16 John rot. 9, m. 2d: 'Ricardus de Mariscis (episcopus donolmensis *on erasure*) reddit compotum de £20 9s. 5½d. de exitu abbacie de Scireburne de tribus partibus anni preter victum et vestitum monachorum preter necessarias expensas. Et de £33 os. ½d. de exitu abbacie de Abbodesbir' preter victum et vestitum monachorum et necessarias expensas de dimidio anno . . .' This reversion to earlier practice suggests that the change involved more than the method of accounting.

⁴ *Rot. lit. pat.*, p. 149a.

⁵ *Rot. lit. claus.*, i. 649; cf. *Patent Rolls 1216-25*, p. 474.

the next month.¹ Similar proceedings had resulted in the disseisin of woods belonging to Cerne and Dore Abbeys, and had caused Meaux to lose possession of a house in York and Brecon to lose the tithes of certain royal castles.² These particular losses may indicate the evil consequences of royal custody; they do not prove that custody endured for long.

Finally, there is the scanty evidence of continuous royal custody of the property of the cathedral dignitaries and prebendaries and the inferior clergy. The Pipe Rolls show that the deanery of Chichester was in the sheriff's hand at least from Easter 1210 to Michaelmas 1212,³ while Master Robert of Gloucester accounted for the archdeaconries of Chichester and Lewes with the bishopric.⁴ Brian de Lisle was due to account in 1210 for Oxtun, a prebend of Southwell, for three years past⁵; in 1212 he accounted for some £400 in respect of the year's proceeds of churches and prebends in the king's hand in the bishopric of Lincoln and the archbishopric of York.⁶ In the same year Thomas Peverel accounted for £85 7s. 3d. from churches and prebends of the diocese of Bath.⁷ Meanwhile, in 1211, John FitzHugh accounted for nearly one hundred marks from tithes of the churches of Wingham, Ickham, Peckham, Cliffe, and Wrotham⁸—churches in the peculiar jurisdiction and gift of the archbishop of Canterbury. He also charged expenditure in collecting the corn of Hugh de Gayhurst (104s.) and in paying Hugh's vicar (40s.).⁹ In 1212 John FitzHugh accounted for the proceeds of Hugh's churches of Odiham and Witney and Sonning (£71 10s. 1½d.).¹⁰ In this year also occurs another small account for corn sold 'de ecclesia de Duueliz'.¹¹

These facts must be seen in the setting provided by evidence from other sources. We may first consider the references by the continuator of Ralph Niger to the great seizure as it affected the rank and file of the clergy. He speaks particularly of the

¹ *Rot. lit. claus.*, i. 113a. The abbey came into the king's hand again in 1213 when Abbot Richard died (*Ann. mon.*, ii. 273; cf. *Rot. lit. claus.*, i. 146b) and was returned to the new abbot, Alexander Neckam, in May 1214 (*ibid.*, i. 204b). Another disseisin by Gerard de Aties (of property of the lepers of St. Lawrence of Bristol) is reported in August 1215 (*ibid.*, i. 227a).

² *Ibid.*, i. 148b, 150a, 155b.

³ P.R. 14 John rot. 10, m. 2.

⁴ *Ibid.*, rot. 1, m. 1d. Cf. a small sum of 2s. 'de exitu terre Iohannis archidiaconi capte pro eodem' in P.R. 13 John rot. 9, m. 2.

⁵ P.R. 12 John rot. 12, m. 1d. The record was not completed.

⁶ P.R. 14 John rot. 1, m. 1.

⁷ *Ibid.*, rot. 1, m. 1d.

⁸ P.R. 13 John rot. 22, m. 1.

⁹ *Ibid.*, rot. 22, m. 2.

¹⁰ P.R. 14 John rot. 5, m. 1.

¹¹ *Ibid.*, rot. 13, m. 1d. In 1214 there is an account of 9 marks 'de blado ecclesie de Kingewaldestowe vendito' (P.R. 16 John rot. 6, m. 2d).

stores locked up in the clergy's barns, derived from the glebe-land and tithe. 'Niger' tells us that in 1209 'the clergy's corn was plundered a second time by the king's servants and put up for sale in the markets and also sold at a price to the clergy themselves'.¹ It was a comparatively simple business to put the clergy's barns in the care of local custodians: much less difficult than attempting to administer their lands and revenues in detail. We recall that several of the entries on the Pipe Rolls give nothing but receipts 'de decimis' and 'de blado vendito'. Is it not possible that royal custody was commonly limited to this particular form of wealth? We may go farther and question whether even this limited custody generally prevailed.² For Adam of Eynsham says that nearly all the rectors of England redeemed their property and, though he may have exaggerated, he is not likely to have erred grossly. Moreover, certain royal mandates issued in 1211 and 1212 are powerful arguments against the view that most of the clergy still suffered confiscation. In 1211, according to the annals of Waverley,³ the king gave orders throughout England that all bishops and clerks having revenues in England and dwelling outside the realm should return within a fortnight of the feast of St. John the Baptist or be deprived of their revenues in England. A year later, a writ went forth, dated 5 June 1212, ordering the seizure of all churches and revenues of clerks instituted by authority of the exiled prelates; persons so instituted were to be expelled.⁴ Unfortunately, as we do not know who or how many of the clergy were abroad,⁵ we cannot estimate the effect of the first measure. As for the writ of 5 June 1212, only five sheriffs' returns have survived. They tell of institutions to the deanery of Wells, the archdeaconry of

¹ Brit. Mus., Royal MS. 13 A. xii, fo. 89r: 'Bladum clericorum iterum a regis satellitibus diripitur, et venum in mercatis exponitur, ipsis quoque clericis sub certo precio venundatur.'

² Some mitigation of it is implied in an undated memorandum on the dorse of the Close Roll for 1207-8: 'Mandatum est omnibus vicecomitibus Anglie quod permittant archiepiscopos, episcopos, abbates, priores, et omnes viros religiosos et omnes clericos vendere blada sua per summas usque ad festum S. Katherine [25 Nov.]' (*Rot. lit. claus.*, i. 114b). But I am unable to relate this to the evidence already cited about the custodians of barns in 1209.

³ *Ann. mon.*, ii. 266; cf. Rad. de Coggeshall, *Chron. anglic.* (Rolls Series), p. 164. The chancery rolls for this year are all missing. In this year, the Waverley annalist says, the king ordered all the woods of the archbishopric of Canterbury to be sold and granted away and rooted up, so that not a tree remained (*Ann. mon.*, ii. 265). According to Coggeshall (*loc. cit.*) the lands of the bishop-executors of the interdict had suffered in 1209. Ralph Niger's continuator refers to the destruction of the bishop of London's castle at Stortford in 1211 (Brit. Mus., Royal MS. 13 A. xii, fo. 89r).

⁴ *Rot. lit. claus.*, i. 130b.

⁵ Cf. *B.J.R.L.*, xxxi. 310-12.

Bath, and nine parish churches.¹ One thing at least is evident. These measures against the exiles and their protégés need scarcely have been framed had the bulk of the English clergy's possessions been still in royal custody. As with the bishops, so with their subject clergy, the king's policy was to make matters worse for the exiles than for those who stayed at home. Two letters on the Close Roll emphasize this discrimination. On 28 October 1212 the king ordered the sheriff of Hereford to return to the dean and chapter those prebends which had been seized because it was said that the bishop of Hereford had granted them after he went overseas. A writ of 17 March 1213 provides for the chapter of Wells to receive back the prebends and revenues of those canons and clerks who are resident.² It is impossible to tell whether this order indicates a new relaxation of old instructions or whether the custodian had been exceeding his powers. In either case, the original policy of 1208 had been modified.

The chancery rolls of the period of reconciliation (13 May 1213 to 2 July 1214) are significant in what they lack concerning restitution to the clergy. Shortly after John's submission, letters patent were issued, telling the tenants of the exiled bishops to obey the proctors appointed by the bishops for the acceptance and custody of their bishoprics. A similar mandate went to the tenants of Christ Church, Canterbury.³ Apart from these there is practically no order for the restitution of lands under the terms of the settlement of 13 May. In addition to a few re-seisins of woods and tithes noted above,⁴ in July 1213 Master R., parson of Alveston, received a wood belonging to his church, 'unde disseisitus fuit occasione discordie que fuit inter nos et anglicanam ecclesiam', and in September Master Henry of Nottingham received his church of Bulwell with its appurtenances.⁵ Both of these parsons may have been overseas: we have no proof.

This enquiry has of necessity been concerned with a great many details of doubtful import. The records on which we principally rely are lamentably incomplete. Apart from the big gaps of whole years in the chancery rolls, there are shorter periods of a few weeks in which nothing was written on the

¹ *Book of fees*, i. 70, 81, 141, 149, 197 (Surrey, Somerset, Worcs., Notts. and Derbyshire, Lincs.).

² *Rot. lit. claus.*, i. 126a, 128b.

³ *Rot. lit. pat.*, p. 99b, 101a.

⁴ *Supra*, pp. 145-6.

⁵ *Rot. lit. claus.*, i. 146a, 150a (the reason for Master Henry's disseisin is not stated).

Close or Patent Roll.¹ The Pipe Roll of the Exchequer is missing for the crucial year, 1213, and the rolls which survive contain the evidence of their own incompleteness, in the notice of accounts rendered to the camera and in the appearance of arrears hitherto unrecorded. In the matter of fines paid to the Crown they are notoriously incomplete.² Ought we to suppose that royal custodians of church property were exempt from accounting to the exchequer? 'John', suggests Lady Stenton, 'may well have been content with accounts made up within the royal household.'³ This is indeed possible; but we have seen that the administrative line was not carefully drawn between the ordinary run of confiscated church property and that which was in the king's hand because of the vacancy of a see or an abbacy. Although the accounts for the latter are somewhat incomplete, they generally leave their mark on the Pipe Rolls in the course of years.⁴ It would be dangerous to assume that possessions of important churches lay for long in the king's hand without leaving some trace behind, and we may take it that the Pipe Rolls give a fairly complete indication of the scope of royal custody. If, then, this material is insufficient for a statistical estimate of the king's revenue from the Church—and its insufficiency cannot be too clearly stated—it is still possible to use it, with non-official sources, to throw light on the trend of royal policy in the years 1208 to 1213. The material is not easy to manipulate in its unprinted form, and there are many obscurities which may be variously interpreted. The present conclusions, therefore, are tentative and indeed likely to require correction.

To sum up our findings; after the first general seizure of the churches' property, the king immediately relinquished his hold over much of it by grants and commissions from which he derived a profit, the amount of which it is now quite impossible to ascertain. Thereafter, he kept in his hands for the whole period the property of the bishops who were in exile, together with the vacant bishoprics. As for those monasteries which did not recover their lands in the first two months after confiscation, they only continued long under royal control if and when they fell vacant: the exceptions are Christ Church, Canterbury, Battle (? until 1211), and Tewkesbury. The king treated vacancies, however, as opportunities for more than

¹ No letters close between 10 January and 5 March 1213, no letters patent between 27 June and 17 July 1213.

² Cf. Hilary Jenkinson, 'Financial records of the reign of King John', *Magna Carta commemoration essays*, ed. H. E. Malden, pp. 290, 297-8.

³ *Pipe Roll 10 John*, p. xii.

⁴ Of the vacant sees, Lichfield is the least recorded (*supra*, p. 141).

ordinary exactions. The secular clergy as a whole were probably left to administer their estates and collect their revenues, so long as they remained in England, although for an undetermined period (perhaps only two years) they may not have had free disposal of their crops and tithes. But as the interdict dragged on, the resident clergy resumed possession, so that few if any besides the exiles were still disseised of their property when peace was restored between king and pope.

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ROYAL HISTORICAL SOCIETY

REPORT OF COUNCIL. SESSION 1947-48

THE Council of the Royal Historical Society have the honour of presenting the Annual Report to the Anniversary Meeting as follows :—

They have with regret to report the absence of the President through illness for the greater part of the session and his inability to preside at the Anniversary Meeting on 13 December 1947. On that occasion, Sir Maurice Powicke took the chair and a paper was read by Mr. G. H. White in place of the Presidential Address. For the Anniversary Meeting the Society engaged the large room on the first floor ; but the experiment of holding the Ordinary Meetings in the library has given rise to no difficulties.

The Council were represented, at the invitation of the Master of the Rolls' Archives Committee, at a conference, held at the Public Record Office on 13 February 1948 and attended by representatives of the County Councils Association and the Association of Municipal Corporations, to discuss matters raised in a memorandum of 10 May 1947 on the local custody of English records, submitted by the Society. They have the subject still under discussion with the Committee.

The Council, in pursuance of the action taken last session have now nominated Professor W. N. Medlicott as the representative of the Society on the editorial board to advise the publishers on the production of the *Annual Register*.

In May 1946 the Council accepted the recommendation of their Publication Committee that sets of *Camden Series* from volume 17 of the *Old Series* onwards and of *Transactions* from volume 1 of the *New Series* onwards should be offered as a gift to certain subscribing and other libraries that had suffered war damage ; and a total of 138 volumes of *Transactions* and 513 volumes of the *Camden Series* have been given in this way. The effect has been to exhaust the stock of one volume of *Transactions* and five volumes in the *Camden Series* and to bring below six the stock of a further volume of *Transactions* and thirteen volumes in the *Camden Series*.

Transactions, Fourth Series, Volume XXIX, which was held up last year, was published in December 1947. Volume XXX ought to have been published early in 1948, but it in turn was held up owing to the difficulty of obtaining cloth for binding, and it was not published until July. Part of Volume XXXI has already been set up, and it is hoped that it may be possible to get the volume out during the session 1948-49, thus establishing what should be the normal time-table in the future. Volume XVIII of the *Camden Miscellany*, containing 'The Benares Diary of Warren Hastings', edited by Dr. C. C. Davies, 'Some Letters of the Duke of Wellington to his Brother, William Wellesley-Pole', edited by Sir Charles Webster, and 'The Restoration Visitation of Oxford and its Colleges', edited by Mr. F. J. Varley, was issued during the session. At the close of the session, the following volumes were in the press: the edition of the *Encomium Emmae*, by Mr. Alastair Campbell; *The Cartulary of St. Mary Clerkenwell*, edited by Mr. W. O. Hassall; *The Gascon Calendar of 1322*, edited by Dr. G. P. Cuttino; and the *Handbook of Oriental History*, edited by Professor C. H. Philips. Council have accepted for publication, in addition to the works previously reported, *The Anglo-French negotiations at Bruges, 1374-77*, to be edited by Professor E. M. J. Perroy as part of a *Camden Miscellany*; *The Despatches of Sir Robert Sutton, Ambassador at Constantinople (1710-14)*, to be edited by Professor A. N. Kurat; a volume of *Canterbury Professions and Related Documents*, to be edited by Mr. J. Conway Davies; and *The Political Correspondence of Mr. Gladstone with Lord Granville, 1868-74, 1880-85*, to be edited by Miss A. Ramm. In order not to delay unduly the distribution of publications to new subscribers, amounting since the year 1942-43 to 112 Fellows and 31 Libraries, Council have issued the *Camden Miscellany*, Volume XVIII (*Camden Series, Third Series*, Volume LXXIX), in respect of the year 1947-48. The volumes due for 1942-43 to 1946-47 will be issued later to the subscribers for those years.

Writings on British History, 1937, is in the press, and it is hoped that the publication of the volumes for 1938 and 1939 will follow. The manuscript of the *Bibliography of British History, 1714-89*, has been received from Dr. Pargellis.

The following papers were read during the session 1947-48:—

'The naval defence of British North America between 1739 and 1763.' By G. S. Graham. (11 October 1947.)

- 'English exiles in Holland during the reigns of Charles II and James II.' By J. Walker. (8 November 1947.)
- 'The household of the Norman kings.' / By G. H. White. (13 December 1947.)
- 'Oliver Sutton, Bishop of Lincoln, and the University of Oxford.' By Miss R. M. T. Hill. (10 January 1948.)
- 'Some political and economic interactions in later Victorian England.' By R. C. K. Ensor. (14 February 1948.)
- 'Manorial organization in northern Gaul in the Carolingian period.' By Professor F. L. Ganshof. (13 March 1948.)
- 'Free trade in land : an aspect of the Irish question.' By Professor W. L. Burn. (8 May 1948.)
- 'Anglo-Saxon poetry and the historian.' By Miss D. Whitelock. (12 June 1948.)

The Society was so fortunate as to find Professor Ganshof, of the University of Ghent, in England at the time of the March meeting and to obtain from him a paper in place of that originally arranged for that date, which Miss Carus-Wilson was unable to read. On 12 June, Miss Whitelock read her paper on 'Anglo-Saxon poetry and the historian' in place of an Alexander Prize Essay, no award of the Alexander Prize having been made this session. The annual garden party was held on 8 July 1948.

At the Anniversary Meeting held on 13 December 1947 the Vice-Presidents retiring under By-law XVII were Professor Sir Charles Webster and G. N. Clark. A further vacancy was caused by the resignation of B. H. Sumner. J. G. Edwards, Sir Henry Hake and G. H. White were elected to fill the vacancies. The members of Council retiring under By-law XVII were K. B. McFarlane, Miss M. Coate, R. A. Humphreys and Professor M. M. Postan. A further vacancy was caused by the resignation of A. L. Poole. Professor A. Aspinall, the Rev. Professor M. D. Knowles, Professor C. H. Philips, Lady Stenton and the Rev. Professor N. Sykes were elected to fill the vacancies. Messrs. C. Ryland Beeby & Co. were appointed auditors for the year 1948-49.

Council record with regret the deaths of 24 Fellows and 6 Corresponding Members; amongst these, Council would mention specially Professor J. Almkvist, a Corresponding Member from 1930; Professor K. Brandi, a Corresponding Member from 1930; Dr. J. Cuvelier, a Corresponding Member from 1920; Professor A. J. Grant, an Honorary Vice-President from 1931; Professor R. Holtzmann, a Corresponding Member from 1930; Professor P. F. Kehr, a Corresponding Member

from 1935 ; L. C. Loyd, a member of Council from 1938 to 1942 and a Vice-President from 1943 to 1946 ; Dr. C. Petit-Dutaillis, a Corresponding Member from 1935 ; and Sir Charles Grant Robertson, a member of Council from 1924 to 1925. 4 Fellows and 1 Associate have resigned and 3 libraries have ceased to be Subscribing Libraries. 4 Fellows and 1 Associate have been removed from the Roll of Members for non-payment of their subscriptions. 34 Fellows and 6 Associates have been elected and 11 libraries have been admitted as Subscribing Libraries. 1 Fellow has been re-elected and 1 re-instated. 2 libraries have been re-admitted as Subscribing Libraries. 1 Associate has been elected to the Fellowship. The membership of the Society on 30 June 1948 was 756 Ordinary Fellows, 1 Honorary Fellow, 20 Corresponding Members and 59 Associates. Of the Fellows, 175 were Life Members. The Subscribing Libraries numbered 332. 23 Societies, British and foreign, exchanged their publications with those of the Royal Historical Society.

The Treasurer reports that the income of the year from 1 July 1947 to 30 June 1948 exceeded the expenditure chargeable against it by £421 14s. 9d. This surplus has been allocated as to £300 os. 0d. to Publications, and as to £121 14s. 9d. to the General Income and Expenditure Account. The sum of £1,050 os. 0d. has thus been granted for Publications, as against £1,030 os. 0d. in the previous year, making, with the addition of the proceeds of sales, an allocation to the Publication Fund of £1,265 15s. 11d.

ROYAL HISTORICAL SOCIETY.

I.—INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 30 JUNE 1948.

Dr.

Cr.

164 TRANSACTIONS OF THE ROYAL HISTORICAL SOCIETY

		£ s. d.		Income.		£ s. d.	
To ESTABLISHMENT EXPENSES :—				By AREAS OF SUBSCRIPTIONS			
Rent—96, Cheyue Walk	£202 2 0			" SUBSCRIPTIONS RECEIVED FOR 1948 :—		234 4 0	
Rent—Warehousing of Stock	19 10 0			57 Associates at 21s.	£59 17 0		
Rates	64 6 3			265 Libraries at 30s.	397 10 0		
Fire Insurance, less Commission	14 13 11			547 Fellows at 42s.	1,148 14 0		
Repairs	3 0 5					1,606 1 0	
Wages	52 0 5						
Extra Service and Cleaning	17 9 11			" LIFE SUBSCRIPTIONS	168 0 0		
Lighting and Heating	28 4 10			Less Proportion required by By-law IX to be invested (see Balance Sheet)	98 16 0		
National Insurance	4 6 8						
Workmen's Compensation Insurance, less rebate	20 2 10						
Catering	425 7 4						
" SECRETARIAL AND ADMINISTRATIVE EXPENSES :—				" Proceeds from Sale of Publications		69 4 0	
Salary	425 0 0			" Dividends on Investments—Gross	215 15 11		
Superannuation	46 5 0			" Interest on Deposit Account at Bank	291 8 4		
Clerk's Salary (Part)	132 11 3			" Interest on Post Office Savings Bank Account	3 19 8		
National Insurance	6 1 4				28 5 8		
General Printing and Stationery (less Sales of Official Pamphlet £4 15s. 8d.)	82 18 5			" THE SIR GEORGE W. PROTHERO BEQUEST :—			
Accountancy and Audit	34 13 0			Dividends on Investments and Tax recovered	776 8 4		
Postages	44 1 0			Royalties	12 10 1		
Telephone	15 5 11						
Travelling Expenses	5 0 0						
Sundries	12 0 10						
Expenditure on Office Equipment	17 15 2						
	821 11 11						
" LIBRARY :—							
Grant	100 0 0					788 18 5	
OTHER CHARGES :—							
Alexander Prize Medal	6 9 2						
Friends of National Libraries	1 1 0						
British Records Association	1 0 0						
British National Committee of the International Congress of Historical Sciences	15 15 0						
" PUBLICATIONS :—							
Director's Honorarium	180 0 0						
" Writings," temporary assistance	225 0 0						
Clerk's Salary (Part)	44 3 9						
Other Secretarial Expenses	24 1 6						
National Insurance	4 16 8						
Grant for Publications	£750 0 0						
Proceeds from Sales	215 15 11						
	965 15 11						
	1,443 17 10						
" BALANCE, being Excess of Income over Expenditure for the year transferred :—							
(a) as a further Grant for Publications	300 0 0						
(b) to General Income and Expenditure Account	131 14 0						

Liabilities.

	£	s.	d.
SUBSCRIPTIONS IN ADVANCE	£10,229	13	7
THE SIR GEORGE W. PROTHERO BEQUEST :—		53	0
Balance from last Account	22,364	11	11
Add Profit on redemption of Investments	14	0	0
		22,378	11 11
“WRITINGS ON BRITISH HISTORY”:			
PRODUCTION ACCOUNT :—			
Balance from last Account		900	0
GENERAL INCOME AND EXPENDITURE ACCOUNT :—			
Balance of accumulated income at 30 June 1947	3,996	13	2
Add Amount transferred from Life Subscription Account	108	2	0
Excess of income over Expenditure for the year as per Account I	121	14	9
	4,226	9	11

£37,787 15 5

Assets.

THE SIR GEORGE W. PROTHERO BEQUEST :—	£15,408	7	1
Investments	22,379	8	4
(Market Value at 30 June 1948, £21,270 10s. 10d.)			

£37,787 15 5

We have examined the foregoing Income and Expenditure Account and Balance Sheet with the Books and Vouchers of the Society. We have verified the Investments appearing in the Balance Sheet. We report that the above Balance Sheet is, in our opinion, properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Society, according to the best of our information and the explanations given to us, and as shown by the books of the Society.

C. RYLAND BEEBY & CO.,
Chartered Accountants, Auditors.

119/125 FINSBURY PAVEMENT, LONDON, E.C.2.

24 September 1948.

ALEXANDER PRIZE

The Alexander Prize was established in 1897 by L. C. Alexander, F.R.Hist.S. It consists of a Silver Medal awarded annually for an essay upon some historical subject. Candidates may select their own subject provided such subject has been previously submitted to and approved by the Literary Director. The essay must be a genuine work of original research, not hitherto published, and one which has not been awarded any other prize. It must not exceed 6,000 words in length and must be sent in on or before 28 February 1949.

LIST OF ALEXANDER PRIZE ESSAYISTS (1898-1947)¹

- 1898. F. Hermia Durham ("The Relations of the Crown to Trade under James I").
- 1899. W. F. Lord, B.A. ("The Development of Political Parties in the reign of Queen Anne").
- 1901. Laura M. Roberts ("The Peace of Lunéville").
- 1902. V. B. Redstone ("The Social Condition of England during the Wars of the Roses").
- 1903. Rose Graham ("The Intellectual Influence of English Monasticism between the tenth and twelfth centuries").
- 1904. Enid W. G. Routh ("The Balance of Power in the Seventeenth Century").
- 1905. W. A. P. Mason, M.A. ("The Beginnings of the Cistercian Order").
- 1906. Rachel R. Reid, M.A. ("The Rebellion of the Earls, 1569").
- 1908. Kate Hotblack ("The Peace of Paris, 1763").
- 1909. Nellie Nield, M.A. ("The Social and Economic Condition of the Unfree Classes in England in the Twelfth and Thirteenth Centuries").

¹ No award was made in 1900, 1907, 1910, 1911, 1913, 1914, 1921, 1946, 1948. The prize Essays for 1909 and 1919 were not published in the *Transactions*. No Essays were submitted in 1915, 1916 and 1943.

1912. H. G. Richardson ("The Parish Clergy of the Thirteenth and Fourteenth Centuries").
1917. Isobel D. Thornley, B.A. ("The Treason Legislation of 1531-1534").
1918. T. F. T. Plucknett, B.A. ("The Place of the Council in the Fifteenth Century").
1919. Edna F. White, M.A. ("The Jurisdiction of the Privy Council under the Tudors").
1920. J. E. Neale, M.A. ("The Commons Journals of the Tudor Period").
1922. C. E. Martin ("The English Establishments on the Gold Coast in the Second Half of the Eighteenth Century").
1923. E. W. Hensman, M.A. ("The Civil War of 1648 in the East Midlands").
1924. Grace Stretton, B.A. ("Some Aspects of Mediæval Travel").
1925. F. A. Mace, M.A. ("Devonshire Ports in the Fourteenth and Fifteenth Centuries").
1926. Marian J. Tooley, M.A. ("The Authorship of the *Defensor Pacis*").
1927. W. A. Pantin, B.A. ("Chapters of the English Black Monks, 1215-1540").
1928. Gladys A. Thornton, B.A., Ph.D. ("A Study in the History of Clare, Suffolk, with special reference to its development as a Borough").
1929. F. S. Rodkey, A.M., Ph.D. ("Lord Palmerston's Policy for the Re-juvenation of Turkey, 1839-47").
1930. A. A. Ettinger, D.Phil. ("The Proposed Anglo-Franco-American Treaty of 1852 to guarantee Cuba to Spain").
1931. Kathleen A. Walpole, M.A. ("The Humanitarian Movement of the Early Nineteenth Century to Remedy Abuses on Emigrant Vessels to America").
1932. Dorothy M. Brodie, B.A. ("Edmund Dudley, Minister of Henry VII").
1933. R. W. Southern, B.A. ("Ranulf Flambard and Early Anglo-Norman Administration").
1934. S. B. Chrimes, M.A., Ph.D. ("Sir John Fortescue and his Theory of Dominion").
1935. S. T. Bindoff, M.A. ("The Unreformed Diplomatic Service, 1812-60").
1936. Rosamond J. Mitchell, M.A., B.Litt. ("English Students at Padua, 1460-1475").
1937. C. H. Phillips, B.A. ("The East India Company 'Interest,' and the English Government, 1783-4").
1938. H. E. I. Phillips, B.A. ("The Last Years of the Court of Star Chamber, 1630-41").

- 1939. Hilda P. Grieve, B.A. ("The Deprived Married Clergy in Essex, 1553-61").
- 1940. R. Somerville, M.A. ("The Duchy of Lancaster Council and Court of Duchy Chamber").
- 1941. R. A. L. Smith, M.A., Ph.D. ("The *Regimen Scaccarii* in English Monasteries").
- 1942. F. L. Carsten, D.Phil. ("Medieval Democracy in the Brandenburg Towns and its Defeat in the Fifteenth Century").
- 1944. Rev. E. W. Kemp, B.D. ("Pope Alexander III and the Canonization of Saints").
- 1945. Helen Suggett, B.Litt. ("The use of French in England in the later Middle Ages").
- 1947. Mrs. June Milne, B.A. ("The Diplomacy of Dr. John Robinson at the Court of Charles XII of Sweden, 1697-1709").

DAVID BERRY PRIZE

The David Berry Prize was established in 1929 by David Anderson-Berry in memory of his father, the Reverend David Berry. It consists of a Gold Medal and Money Prize awarded every three years for Scottish History. Candidates may select any subject dealing with Scottish History within the reigns of James I to James VI inclusive, provided such subject has been previously submitted to and approved by the Council of the Royal Historical Society. The Essay must be a genuine work of original research not hitherto published, and one which has not been awarded any other prize. There is no limit to the length of the Essay. It must be sent in on or before 31 October 1949.

LIST OF DAVID BERRY PRIZE ESSAYISTS (1937-1943) ¹

- 1937. G. Donaldson, M.A. ("The Polity of the Scottish Reformed Church c. 1560-1580, on the Rise of the Presbyterian Movement").
- 1943. Rev. Prof. A. F. Scott Pearson, D.Th., D.Litt. ("Anglo-Scottish Religious Relations, 1400-1600").

¹ No Essays were submitted in 1940. No award was made in 1946.

ROYAL HISTORICAL SOCIETY.
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Bedford, County Library, 56 Harpur Street.

Belfast, The Queen's University.

Birkenhead Public Library.

Birmingham, The Birmingham Library, Margaret Street.
Public Libraries (Reference Library), Ratcliffe Place.
University.

Bolton Central Reference Library, Town Hall Square.

Bradford Public Library, Darley Street.

Brighton, Public Library, Royal Pavilion.

Technical College, Richmond Terrace, Brighton 7.

Bristol Central Library.

University.

Cambridge, Girton College.

Newnham College.

Peterhouse.

St. Catharine's College.

St. John's College.

The Seeley Historical Library, The Old Schools.

University Library.

Canterbury, Dean and Chapter Library.

Cardiff, National Museum of Wales.

Public Library.

Carlisle Public Library, Castle Street.

Cork, University College.

Derby, County Library, S. Mary Gate.

Dublin, King's Inns Library.

National Library of Ireland, Kildare Street.

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Trinity College.

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- Englefield Green, Surrey, Royal Holloway College.
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- Glasgow, Baillie's Institution, 24 St. Vincent Place.
Faculty of Procurators Library, 68 St. George's Place.
Mitchell Library.
University.
- Gloucester Public Library, Brunswick Road.
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- Hastings Public Museum and Art Gallery, John's Place.
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- Leeds, The Leeds Library, Commercial Street.
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- Lincoln, Lindsey County Library, Fairfield House, Newland.
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 Somerville College.
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 Preston Library (Dr. Shepherd's).
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 Sheffield, Public Library.
 University.
- Southampton, University College.
 Stafford, William Salt Library.
 Stonyhurst College, Whalley, Lancs.
 Stratton-on-the-Fosse, nr. Bath, Downside Abbey.
 Swansea, University College, Singleton Park.
- Wigan, Public Library.
 Windsor, Royal Library, Windsor Castle.
- York, Public Library.
 Yorkshire Architectural and York Archæological Society, c/o Rev. D. D.
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 Knizhnaja 15/17.

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The Hon. Society of Cymmrodorion, 20 Bedford Square, W.C.1.
Surrey Archæological Society, Castle Arch, Guildford.
Jewish Historical Society, Mocatta Library, University College, Gower
Street, W.C.1.
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Académies, rue Ducale, 1, Brussels.

FRANCE.

Bibliothèque de l'Université de Toulouse, 2 rue de l'Université, Toulouse,
Haute-Garonne.
Société de l'Ecole Nationale des Chartes, 19 rue de la Sorbonne, Paris.
Société de l'Histoire de France, 60 rue des Francs-Bourgeois, Paris.

GERMANY.

Hansischer Geschichtsverein, Staats Archiv, Königstrasse 21, Lübeck.

HOLLAND.

Commissie van Advies voor Rijks Geschiedkundige Publicatien, The Hague.

Historisch Genootschap, Utrecht, c/o Bibliothèque de l'Université.

POLAND.

Société des Sciences et des Lettres de Varsovie, L'Université, Warsaw.

SWEDEN.

Historisk Tidskrift, Storgatan 41, Stockholm.

SWITZERLAND.

Allgemeine Geschichtsforschende Gesellschaft der Schweiz, Stadt Bibliothek, Berne.

UNITED STATES.

Library of Congress, Washington, D.C.

U.S.S.R.

Moscow, State Historical Library.

State Lenin Library, Ulitza Kalinina 3.

Ukranian Academy of Sciences.

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